

Reprinted

FILED FEB 04 1992

SENATE FILE 2097
BY COMMITTEE ON JUDICIARY
approved (p. 209)
(SUCCESSOR TO SSB 2075)

Passed Senate, Date 2/24/92 (p. 451) Passed House, Date 4/30/92 (P. 1977)
Vote: Ayes 49 Nays 0 Vote: Ayes 63 Nays 32
Approved May 19, 1992
Motion to reconsider 7/24 (p. 451)
w/d 3/17 (p. 512)

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2097

1 Section 1. Section 116.23, subsections 2, 3, and 10, Code
2 Supplement 1991, are amended to read as follows:

3 2. A written notice stating the nature of the charge or
4 charges against the accused and the time and place of the
5 hearing before the board on such the charges shall be served
6 on the accused not less than thirty days prior to the date of
7 hearing either personally or by mailing a copy by registered
8 certified mail to the last known address of the accused.

9 3. If, after having been served with the notice of
10 hearing, the accused fails to appear at the hearing and
11 defend, the board may proceed to hear evidence against the
12 accused and may enter such order as is justified by the
13 evidence, ~~which order shall be final unless the accused~~
14 ~~petitions for its review as provided in this section.~~
15 ~~However, within thirty days from the date of any order, upon a~~
16 ~~showing of good cause for failing to appear and defend, the~~
17 ~~board may reopen the proceedings and may permit the accused to~~
18 ~~submit evidence in defense.~~

19 10. ~~Anyone adversely affected by an order of the board may~~
20 ~~obtain a review of that order by filing a written petition for~~
21 ~~review with the district court within thirty days after the~~
22 ~~entry of the order. The petition shall state the grounds upon~~
23 ~~which the review is asked and shall pray that the order of the~~
24 ~~board be modified or set aside in whole or in part. A copy of~~
25 ~~the petition shall be immediately served upon any member of~~
26 ~~the board and the board shall then certify and file in the~~
27 ~~court a transcript of the record upon which the order~~
28 ~~complained of was entered. Judicial review of the board's~~
29 ~~action may be sought in accordance with chapter 17A.~~

30 ~~The case shall then be tried de novo on the record made~~
31 ~~before the board without the introduction of new or additional~~
32 ~~evidence but the parties shall be permitted to file briefs as~~
33 ~~in an ordinary case at law.~~

34 ~~The court may affirm, modify or set aside the board's order~~
35 ~~in whole or in part, or may remand the case to the board for~~

~~1 further evidence, and may, in its discretion, stay the effect~~
~~2 of the board's order pending its determination of the case.~~

~~3 The court's decision shall have the force and effect of a~~
~~4 decree in equity.~~

5 Sec. 2. Section 149.3, subsection 3, Code 1991, is amended
6 to read as follows:

7 3. Pass an examination in the subjects of anatomy,
8 chemistry, dermatology, diagnosis, pharmacy and materia
9 medica, pathology, physiology, histology, bacteriology,
10 neurology, practical and clinical podiatry, foot orthopedics,
11 and others, as prescribed by the board of podiatry examiners,
12 and must obtain a general average of at least seventy-five
13 percent and not less than seventy percent in any one subject.

14 Sec. 3. Section 260.4, unnumbered paragraph 2, Code 1991,
15 is amended to read as follows:

16 Terms of office for regular appointments ~~begin on July 17~~
17 and shall begin and end as provided in section 69.19. Terms
18 of office for members appointed to fill vacancies shall begin
19 on the date of appointment and end as provided in section
20 69.19. Members may be removed for cause by a state court with
21 competent jurisdiction after notice and opportunity for
22 hearing. The board may remove a member for three consecutive
23 absences or for cause.

24 Sec. 4. Section 260B.1, unnumbered paragraph 3, Code 1991,
25 is amended to read as follows:

26 All voting members shall be appointed by the governor,
27 subject to confirmation by the senate. Terms of office of
28 voting members are four years ~~commencing on July 1~~ beginning
29 and ending as provided in section 69.19.

30 Sec. 5. Section 279.49, Code Supplement 1991, is amended
31 to read as follows:

32 279.49 CHILD DAY CARE PROGRAMS.

33 The board of directors of a school corporation may operate
34 or contract for the operation of a program to provide child
35 day care to children not enrolled in school or to students

1 enrolled in kindergarten through grade six before and after
2 school, or to both. The person employed to be responsible for
3 a program operated by a board shall be an appropriately
4 certificated teacher under chapter 260 or the program operated
5 by contract with the board shall be licensed as a child care
6 center under chapter 237A. The board shall require the
7 employment of adequate personnel for a program to meet the
8 personnel standards adopted by the state board of education,
9 pursuant to section 256.7, ~~subsections 13 and 14~~ subsection
10 13, or the department of human services, pursuant to section
11 237A.12, subsection 1.

12 The board may establish a fee for the cost of participation
13 in a ~~before-and-after-school~~ child day care program authorized
14 under this section. The fee shall be established pursuant to
15 a sliding fee schedule based upon staffing costs and other
16 expenses and a family's ability to pay. If a fee is
17 established, the parent or guardian of a child participating
18 in a program shall be responsible for payment of any agreed
19 upon fee. The board may require the parent or guardian to
20 furnish transportation of the child.

21 The board may utilize or make application for program
22 subsidies from any existing day care funding streams.

23 Programs established under this section for ~~before-and~~
24 ~~after-school~~ child day care shall include, but are not limited
25 to, parental involvement in program design and direction,
26 activities designed to further children's physical, mental,
27 and emotional development, and a parental education component
28 to educate parents about the physical, mental, and emotional
29 development of children.

30 Sec. 6. Section 504A.84, unnumbered paragraph 1, Code
31 1991, is amended to read as follows:

32 The annual report of a domestic or foreign corporation
33 shall be delivered to the secretary of state for filing in the
34 secretary of state's office between the first day of May and
35 the thirty-first day of July of each year, except that the

1 first annual report of a domestic or foreign corporation shall
2 be filed between the first day of May and the thirty-first day
3 of July of the year succeeding the calendar year in which its
4 certificate of incorporation or its certificate of authority,
5 as the case may be, was issued by the secretary of state, and
6 ~~except that if the existence of the domestic corporation or~~
7 ~~the authority of the foreign corporation to conduct affairs in~~
8 ~~this state began in April of any year, its first annual report~~
9 ~~shall be filed between the first day of May and the thirty-~~
10 ~~first day of July of the second year succeeding the calendar~~
11 ~~year in which the corporate existence or authority to conduct~~
12 ~~affairs began.~~

13 Sec. 7. Section 815.1, Code 1991, is amended to read as
14 follows:

15 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

16 All costs and fees incurred in a parole revocation
17 proceeding or in a criminal case brought against an inmate of
18 a state institution for a crime committed while confined in
19 the institution, or for a crime committed by the inmate while
20 placed outside the walls or confines of the institution under
21 the control and direction of a warden, supervisor, officer, or
22 employee of the institution, or for a crime committed by the
23 inmate during an escape or other unauthorized departure from
24 the institution or from the control of a warden, supervisor,
25 officer, or employee of the institution, or from wherever the
26 inmate may have been placed by authorized personnel of the
27 institution, are waived if the prosecution fails, or if the
28 person liable to pay the costs and fees cannot pay the costs
29 and fees. An award of attorney fees to a court-appointed
30 attorney incurred in these cases shall be paid out of the
31 state treasury from the general fund if the prosecution fails
32 or if the person liable to pay the attorney fees cannot pay
33 them. The facts shall be certified by the clerk of the
34 district court under the clerk's seal of office to the
35 director of ~~inspections and appeals~~ the department of

1 corrections, including a statement of the amount of fees or
2 costs incurred, approved by the presiding judge in writing.
3 When a conviction is rendered and the court orders restitution
4 for costs of the prosecution, the inmate, work releasee, or
5 parolee shall make restitution to the general fund pursuant to
6 section 910.2.

7 Sec. 8. TRANSITION FOR TERMS OF BOARD OF EDUCATIONAL
8 EXAMINERS. Effective July 1, 1992, the term of each member of
9 the board of educational examiners appointed prior to that
10 date is shortened by changing the expiration date from June 30
11 to April 30 of the final year of the term.

12 Sec. 9. TRANSITION FOR TERMS OF HIGHER EDUCATION STRATEGIC
13 PLANNING COUNCIL. Effective July 1, 1992, the term of each
14 member of the higher education strategic planning council
15 appointed prior to that date is shortened by changing the
16 expiration date from June 30 to April 30 of the final year of
17 the term.

18 EXPLANATION

19 116.23(2),(3),(10): In the accountancy law, change
20 "registered mail" to "certified mail" for notice purposes and
21 change provisions relating to the judicial review process to
22 conform to chapter 17A. These changes were requested by the
23 accountancy examining board.

24 149.3(3): In chapter on the practice of podiatry, strikes
25 the requirement that applicants for a license pass the
26 examination with a 75 percent general average and no subject
27 below 70 percent. This request came from the podiatric
28 medical society, which stated that the examination is given on
29 a "pass/fail" basis.

30 260.4, unn. para. 2, and 260B.1, unn. para. 3: Change
31 beginning and ending dates for terms of members of the board
32 of educational examiners and the higher education strategic
33 planning council to those established by section 69.19 for
34 gubernatorial appointees subject to confirmation by the
35 senate. This establishes the terms as May through April

1 instead of July through June. Temporary transition sections
2 are provided at the end of the bill.

3 279.49: In provision relating to fees and parental
4 involvement in public school child day care programs, adds
5 language to cover all child day care programs authorized under
6 the chapter. The section as a whole refers to programs
7 providing child day care "to children not enrolled in school
8 or to students enrolled in kindergarten through grade six
9 before and after school, or to both". Also brings up to date
10 a reference to certain personnel standards adopted by the
11 board of education pursuant to section 256.7. Former
12 subsection 13 of that section has been stricken and former
13 subsection 14 renumbered as 13.

14 504A.84, un. para. 1: In statute governing filing dates
15 for annual reports of corporations, deletes special provision
16 delaying the filing of the first report an extra 12 months
17 when the corporation's existence began in April. This change
18 was requested by the office of the secretary of state on the
19 ground that the paragraph was erroneously amended in 1988 and
20 is internally inconsistent.

21 815.1: Amends language concerning the responsibility for
22 paying the costs of parole revocation proceedings and certain
23 special criminal cases, by substituting the department of
24 corrections for the department of inspections and appeals.
25 This change was requested by the department of inspections and
26 appeals, which stated that the department of corrections
27 receives the appropriation for payment of the costs of these
28 proceedings and processes the claims.

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S-5027

1 Amend Senate File 2097 as follows:

2 1. Page 3, by inserting after line 29 the
3 following:

4 "Sec. ____ Section 428A.1, unnumbered paragraph 3,
5 Code Supplement 1991, is amended to read as follows:
6 When each deed, instrument, or writing by which any
7 real property in this state is granted, assigned,
8 transferred, or otherwise conveyed is presented for
9 recording to the county recorder, a declaration of
10 value signed by at least one of the sellers or one of
11 the buyers or their agents shall be submitted to the
12 county recorder. A declaration of value is not
13 required for those instruments described in section
14 428A.2, subsections 2 to 5, 7 to 13, and 16 to 20 21,
15 or described in section 428A.2, subsection 6, except
16 in the case of a federal agency or instrumentality, or
17 if a transfer is the result of acquisition of lands,
18 whether by contract or condemnation, for public
19 purposes through an exercise of the power of eminent
20 domain.

21 PARAGRAPH DIVIDED. The declaration of value shall
22 state the full consideration paid for the real
23 property transferred. If agricultural land, as
24 defined in section 172C.1, is purchased by a
25 corporation, limited partnership, trust, alien or
26 nonresident alien, the declaration of value shall
27 include the name and address of the buyer, the name
28 and address of the seller, a legal description of the
29 agricultural land, and identify the buyer as a
30 corporation, limited partnership, trust, alien, or
31 nonresident alien. The county recorder shall not
32 record the declaration of value, but shall enter on
33 the declaration of value information the director of
34 revenue and finance requires for the production of the
35 sales/assessment ratio study and transmit all
36 declarations of value to the city or county assessor
37 in whose jurisdiction the property is located. The
38 city or county assessor shall enter on the declaration
39 of value the information the director of revenue and
40 finance requires for the production of the
41 sales/assessment ratio study and transmit one copy of
42 each declaration of value to the director of revenue
43 and finance, at times as directed by the director of
44 revenue and finance. The assessor shall retain one
45 copy of each declaration of value for three years from
46 December 31 of the year in which the transfer of
47 realty for which the declaration was filed took place.
48 The director of revenue and finance shall, upon
49 receipt of the information required to be filed under
50 this chapter by the city or county assessor, send to

S-5027

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S-5027

Page 2

1 the office of the secretary of state that part of the
2 declaration of value which identifies a corporation,
3 limited partnership, trust, alien, or nonresident
4 alien as a purchaser of agricultural land as defined
5 in section 172C.1."

6 2. By renumbering and correcting internal
7 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, CHAIRPERSON

2/24/91 2/24/91

SENATE FILE 2097

S-5028

1 Amend Senate File 2097 as follows:

2 1. Page 4, by inserting after line 12 the
3 following:

4 "Sec. 100. Section 556.9A, subsection 1, paragraph
5 a, Code 1991, is amended to read as follows:

6 a. "Property" means intangible personal property
7 located outside the state, but issued by the state of
8 Iowa, a state agency, a political subdivision of the
9 state, or a person formed or otherwise located within
10 the state as a corporation, trust, partnership,
11 limited partnership, association, cooperative, union,
12 or organization.

13 Sec. 101. Section 556.9A, subsection 2, Code 1991,
14 is amended to read as follows:

15 2. Property and income derived from the property,
16 including but not limited to dividends, earnings, and
17 interest, which are held by a temporary custodian ~~en~~
18 ~~benefit-of-the-property's-owner~~, are presumed abandoned
19 and after deducting lawful charges are subject to the
20 custody of this state as unclaimed property, if all
21 the following apply:

22 a. The owner has not claimed the property or
23 income derived from the property or corresponded in
24 writing with the temporary custodian of the property
25 within three years after the date prescribed for
26 delivery of the property or payment of income from the
27 property.

28 b. The current last known address of the owner is
29 unknown.

30 ~~---Notice-that-the-property-may-be-claimed-has~~
31 ~~been-delivered-to-the-last-known-address-of-the~~
32 ~~owner."~~

33 2. Page 5, by inserting after line 17 the
34 following:

35 "Sec. ____ EFFECTIVE DATE AND APPLICABILITY
36 PROVISIONS.

37 1. Sections 100, 101, and this section of this
38 Act, being deemed of immediate importance, take effect
39 upon enactment.

40 2. Section 101 of this Act applies to all property
41 held at any time on or after the effective date of
42 section 101, regardless of when the property is
43 abandoned or becomes presumptively abandoned."

44 3. Title page, line 5, by inserting after the
45 word "ambiguities" the following: ", and providing
46 effective date and applicability provisions".

47 4. By renumbering and correcting internal
48 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5028 FILED FEBRUARY 5, 1992

(Adopted 2/24 (+ 48))

SENATE FILE 2097

S-5026

1 Amend Senate File 2097 as follows:
 2 1. Page 3, by inserting after line 29 the
 3 following:
 4 "Sec. 200. Section 453.14, unnumbered paragraph 3,
 5 Code 1991, is amended by striking the unnumbered
 6 paragraph."
 7 2. Page 5, by inserting after line 17 the
 8 following:
 9 "Sec. 201. USE AND CREDITING OF BOND EARNINGS AND
 10 PROCEEDS. The authority granted in 1971 Iowa Acts,
 11 chapter 222, section 1, codified as section 453.14,
 12 Code 1973, applies to the use and crediting of
 13 earnings and investments of the proceeds from bonds
 14 issued on or after as well as prior to July 1, 1971.
 15 Sec. ____ . Sections 200 and 201 of this Act apply
 16 retroactively to July 1, 1971."
 17 3. Title page, line 5, by inserting after the
 18 word "ambiguities" the following: "and providing a
 19 retroactive applicability provision".
 20 4. By renumbering and correcting internal
 21 references as necessary.

By COMMITTEE ON JUDICIARY
 AL STURGEON, Chairperson

S-5026 FILED FEBRUARY 5, 1992

Adopted 2/24 (p. 451)

SENATE FILE 2097

S-5024

1 Amend Senate File 2097 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 19B.8, Code 1991, is amended
 5 to read as follows:
 6 19B.8 SANCTIONS.
 7 The department of management may impose appropriate
 8 sanctions on individual state agencies, including the
 9 state board of regents and its institutions, and upon
 10 a community college, area education agency, or school
 11 district, in order to ensure compliance with state
 12 programs emphasizing equal opportunity through
 13 affirmative action, contract compliance policies, and
 14 requirements for procurement set-asides goals for
 15 targeted small businesses."
 16 2. By renumbering and correcting internal
 17 references as necessary.

By COMMITTEE ON JUDICIARY
 AL STURGEON, CHAIRPERSON

S-5024 FILED FEBRUARY 5, 1992

Adopted 2/24 (p. 451)

SENATE FILE 2097

S-5025

1 Amend Senate File 2097 as follows:

2 1. Page 2, by inserting after line 4 the
3 following:

4 "Sec. ____ . Section 147.107, subsection 5, Code
5 Supplement 1991, is amended to read as follows:

6 5. Notwithstanding subsection 1 and any other
7 provision of this section to the contrary, a physician
8 may delegate the function of prescribing drugs,
9 controlled substances, and medical devices to a
10 physician assistant licensed pursuant to chapter 148C.
11 When delegated prescribing occurs, the supervising
12 physician's name shall be used, recorded, or otherwise
13 indicated in connection with each individual
14 prescription so that the individual who dispenses or
15 administers the prescription knows under whose
16 delegated authority the physician assistant is
17 prescribing. Rules relating to the authority of
18 physician assistants to prescribe drugs, controlled
19 substances, and medical devices pursuant to this
20 subsection shall be adopted by the board of physician
21 assistant examiners, after consultation with the board
22 of medical examiners and the board of pharmacy
23 examiners, as soon as possible after July 1, 1991.
24 The rules shall be reviewed and approved by the
25 physician assistant rules review group created under
26 subsection 7 and shall be adopted in final form by
27 January 1, 1993. However, the rules shall prohibit
28 the prescribing of schedule II controlled substances
29 which are listed as stimulants or depressants pursuant
30 to chapter 204. If rules are not reviewed and
31 approved by the physician assistant rules review group
32 created under subsection 7 and adopted in final form
33 by January 1, 1993, a physician assistant may
34 prescribe drugs as a delegated act of a supervising
35 physician under rules adopted by the physician
36 assistant board of examiners and subject to the rules
37 review process established in section 148C.7. The
38 board of physician assistant examiners shall be the
39 only board to regulate the practice of physician
40 assistants relating to prescribing ~~and supplying~~
41 prescription drugs, controlled substances and medical
42 devices, and supplying prescription drugs and medical
43 devices, notwithstanding section 148C.6A. The board
44 of pharmacy examiners shall regulate the distribution
45 of controlled substances pursuant to chapter 204."

46 2. By renumbering and correcting internal
47 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, CHAIRPERSON

S-5025 FILED FEBRUARY 5, 1992

Handwritten:
-insert after line 4
204 (p. 415)

1 Section 1. Section 19B.8, Code 1991, is amended to read as
2 follows:

3 19B.8 SANCTIONS.

4 The department of management may impose appropriate
5 sanctions on individual state agencies, including the state
6 board of regents and its institutions, and upon a community
7 college, area education agency, or school district, in order
8 to ensure compliance with state programs emphasizing equal
9 opportunity through affirmative action, contract compliance
10 policies, and requirements for procurement set-asides goals
11 for targeted small businesses.

12 Sec. 2. Section 116.23, subsections 2, 3, and 10, Code
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14 2. A written notice stating the nature of the charge or
15 charges against the accused and the time and place of the
16 hearing before the board on such the charges shall be served
17 on the accused not less than thirty days prior to the date of
18 hearing either personally or by mailing a copy by registered
19 certified mail to the last known address of the accused.

20 3. If, after having been served with the notice of
21 hearing, the accused fails to appear at the hearing and
22 defend, the board may proceed to hear evidence against the
23 accused and may enter such order as is justified by the
24 ~~evidence,--which order shall be final unless the accused~~
25 ~~petitions for its review as provided in this section.~~
26 ~~However,--within thirty days from the date of any order,--upon a~~
27 ~~showing of good cause for failing to appear and defend,--the~~
28 ~~board may reopen the proceedings and may permit the accused to~~
29 ~~submit evidence in defense.~~

30 10. ~~Anyone adversely affected by an order of the board may~~
31 ~~obtain a review of that order by filing a written petition for~~
32 ~~review with the district court within thirty days after the~~
33 ~~entry of the order.--The petition shall state the grounds upon~~
34 ~~which the review is asked and shall pray that the order of the~~
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1 the-petition-shall-be-immediately-served-upon-any-member-of
2 the-board-and-the-board-shall-then-certify-and-file-in-the
3 court-a-transcript-of-the-record-upon-which-the-order
4 complained-of-was-entered. Judicial review of the board's
5 action may be sought in accordance with chapter 17A.

6 The-case-shall-then-be-tried-de-novo-on-the-record-made
7 before-the-board-without-the-introduction-of-new-or-additional
8 evidence-but-the-parties-shall-be-permitted-to-file-briefs-as
9 in-an-ordinary-case-at-law.

10 The-court-may-affirm, modify-or-set-aside-the-board's-order
11 in-whole-or-in-part, or-may-remand-the-case-to-the-board-for
12 further-evidence, and-may, in-its-discretion, stay-the-effect
13 of-the-board's-order-pending-its-determination-of-the-case.

14 The-court's-decision-shall-have-the-force-and-effect-of-a
15 decree-in-equity.

16 Sec. 3. Section 149.3, subsection 3, Code 1991, is amended
17 to read as follows:

18 3. Pass an examination in the subjects of anatomy,
19 chemistry, dermatology, diagnosis, pharmacy and materia
20 medica, pathology, physiology, histology, bacteriology,
21 neurology, practical and clinical podiatry, foot orthopedics,
22 and others, as prescribed by the board of podiatry examiners,
23 and-must-obtain-a-general-average-of-at-least-seventy-five
24 percent-and-not-less-than-seventy-percent-in-any-one-subject.

25 Sec. 4. Section 260.4, unnumbered paragraph 2, Code 1991,
26 is amended to read as follows:

27 Terms of office for regular appointments begin-on-July-1,
28 and shall begin and end as provided in section 69.19. Terms
29 of office for members appointed to fill vacancies shall begin
30 on the date of appointment and end as provided in section
31 69.19. Members may be removed for cause by a state court with
32 competent jurisdiction after notice and opportunity for
33 hearing. The board may remove a member for three consecutive
34 absences or for cause.

35 Sec. 5. Section 260B.1, unnumbered paragraph 3, Code 1991,

1 is amended to read as follows:

2 All voting members shall be appointed by the governor,
3 subject to confirmation by the senate. Terms of office of
4 voting members are four years ~~commencing on July 1~~ beginning
5 and ending as provided in section 69.19.

6 Sec. 6. Section 279.49, Code Supplement 1991, is amended
7 to read as follows:

8 279.49 CHILD DAY CARE PROGRAMS.

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10 or contract for the operation of a program to provide child
11 day care to children not enrolled in school or to students
12 enrolled in kindergarten through grade six before and after
13 school, or to both. The person employed to be responsible for
14 a program operated by a board shall be an appropriately
15 certificated teacher under chapter 260 or the program operated
16 by contract with the board shall be licensed as a child care
17 center under chapter 237A. The board shall require the
18 employment of adequate personnel for a program to meet the
19 personnel standards adopted by the state board of education,
20 pursuant to section 256.7, ~~subsections 13 and 14~~ subsection
21 13, or the department of human services, pursuant to section
22 237A.12, subsection 1.

23 The board may establish a fee for the cost of participation
24 in a ~~before-and-after-school~~ child day care program authorized
25 under this section. The fee shall be established pursuant to
26 a sliding fee schedule based upon staffing costs and other
27 expenses and a family's ability to pay. If a fee is
28 established, the parent or guardian of a child participating
29 in a program shall be responsible for payment of any agreed
30 upon fee. The board may require the parent or guardian to
31 furnish transportation of the child.

32 The board may utilize or make application for program
33 subsidies from any existing day care funding streams.

34 Programs established under this section for ~~before-and~~
35 ~~after-school~~ child day care shall include, but are not limited

1 to, parental involvement in program design and direction,
2 activities designed to further children's physical, mental,
3 and emotional development, and a parental education component
4 to educate parents about the physical, mental, and emotional
5 development of children.

6 Sec. 7. Section 428A.1, unnumbered paragraph 2, Code
7 Supplement 1991, is amended to read as follows:

8 When each deed, instrument, or writing by which any real
9 property in this state is granted, assigned, transferred, or
10 otherwise conveyed is presented for recording to the county
11 recorder, a declaration of value signed by at least one of the
12 sellers or one of the buyers or their agents shall be
13 submitted to the county recorder. A declaration of value is
14 not required for those instruments described in section
15 428A.2, subsections 2 to 5, 7 to 13, and 16 to ~~20~~ 21, or
16 described in section 428A.2, subsection 6, except in the case
17 of a federal agency or instrumentality, or if a transfer is
18 the result of acquisition of lands, whether by contract or
19 condemnation, for public purposes through an exercise of the
20 power of eminent domain.

21 PARAGRAPH DIVIDED. The declaration of value shall state
22 the full consideration paid for the real property transferred.
23 If agricultural land, as defined in section 172C.1, is
24 purchased by a corporation, limited partnership, trust, alien
25 or nonresident alien, the declaration of value shall include
26 the name and address of the buyer, the name and address of the
27 seller, a legal description of the agricultural land, and
28 identify the buyer as a corporation, limited partnership,
29 trust, alien, or nonresident alien. The county recorder shall
30 not record the declaration of value, but shall enter on the
31 declaration of value information the director of revenue and
32 finance requires for the production of the sales/assessment
33 ratio study and transmit all declarations of value to the city
34 or county assessor in whose jurisdiction the property is
35 located. The city or county assessor shall enter on the

1 declaration of value the information the director of revenue
2 and finance requires for the production of the
3 sales/assessment ratio study and transmit one copy of each
4 declaration of value to the director of revenue and finance,
5 at times as directed by the director of revenue and finance.
6 The assessor shall retain one copy of each declaration of
7 value for three years from December 31 of the year in which
8 the transfer of realty for which the declaration was filed
9 took place. The director of revenue and finance shall, upon
10 receipt of the information required to be filed under this
11 chapter by the city or county assessor, send to the office of
12 the secretary of state that part of the declaration of value
13 which identifies a corporation, limited partnership, trust,
14 alien, or nonresident alien as a purchaser of agricultural
15 land as defined in section 172C.1.

16 Sec. 8. Section 453.14, unnumbered paragraph 3, Code 1991,
17 is amended by striking the unnumbered paragraph.

18 Sec. 9. Section 504A.84, unnumbered paragraph 1, Code
19 1991, is amended to read as follows:

20 The annual report of a domestic or foreign corporation
21 shall be delivered to the secretary of state for filing in the
22 secretary of state's office between the first day of May and
23 the thirty-first day of July of each year, except that the
24 first annual report of a domestic or foreign corporation shall
25 be filed between the first day of May and the thirty-first day
26 of July of the year succeeding the calendar year in which its
27 certificate of incorporation or its certificate of authority,
28 as the case may be, was issued by the secretary of state, and
29 except that if the existence of the domestic corporation or
30 the authority of the foreign corporation to conduct affairs in
31 this state began in April of any year, its first annual report
32 shall be filed between the first day of May and the thirty-
33 first day of July of the second year succeeding the calendar
34 year in which the corporate existence or authority to conduct
35 affairs began.

1 Sec. 10. Section 556.9A, subsection 1, paragraph a, Code
2 1991, is amended to read as follows:

3 a. "Property" means intangible personal property located
4 outside the state, but issued by the state of Iowa, a state
5 agency, a political subdivision of the state, or a person
6 formed or otherwise located within the state as a corporation,
7 trust, partnership, limited partnership, association,
8 cooperative, union, or organization.

9 Sec. 11. Section 556.9A, subsection 2, Code 1991, is
10 amended to read as follows:

11 2. Property and income derived from the property,
12 including but not limited to dividends, earnings, and
13 interest, which are held by a temporary custodian on-behalf-of
14 the-property's-owner, are presumed abandoned and after
15 deducting lawful charges are subject to the custody of this
16 state as unclaimed property, if all the following apply:

17 a. The owner has not claimed the property or income
18 derived from the property or corresponded in writing with the
19 temporary custodian of the property within three years after
20 the date prescribed for delivery of the property or payment of
21 income from the property.

22 b. The current last known address of the owner is unknown.
23 ~~or--Notice-that-the-property-may-be-claimed-has-been~~
24 ~~delivered-to-the-last-known-address-of-the-owner.~~

25 Sec. 12. Section 815.1, Code 1991, is amended to read as
26 follows:

27 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

28 All costs and fees incurred in a parole revocation
29 proceeding or in a criminal case brought against an inmate of
30 a state institution for a crime committed while confined in
31 the institution, or for a crime committed by the inmate while
32 placed outside the walls or confines of the institution under
33 the control and direction of a warden, supervisor, officer, or
34 employee of the institution, or for a crime committed by the
35 inmate during an escape or other unauthorized departure from

1 the institution or from the control of a warden, supervisor,
2 officer, or employee of the institution, or from wherever the
3 inmate may have been placed by authorized personnel of the
4 institution, are waived if the prosecution fails, or if the
5 person liable to pay the costs and fees cannot pay the costs
6 and fees. An award of attorney fees to a court-appointed
7 attorney incurred in these cases shall be paid out of the
8 state treasury from the general fund if the prosecution fails
9 or if the person liable to pay the attorney fees cannot pay
10 them. The facts shall be certified by the clerk of the
11 district court under the clerk's seal of office to the
12 director of ~~inspections-and-appeals~~ the department of
13 corrections, including a statement of the amount of fees or
14 costs incurred, approved by the presiding judge in writing.
15 When a conviction is rendered and the court orders restitution
16 for costs of the prosecution, the inmate, work releasee, or
17 parolee shall make restitution to the general fund pursuant to
18 section 910.2.

19 Sec. 13. TRANSITION FOR TERMS OF BOARD OF EDUCATIONAL
20 EXAMINERS. Effective July 1, 1992, the term of each member of
21 the board of educational examiners appointed prior to that
22 date is shortened by changing the expiration date from June 30
23 to April 30 of the final year of the term.

24 Sec. 14. TRANSITION FOR TERMS OF HIGHER EDUCATION
25 STRATEGIC PLANNING COUNCIL. Effective July 1, 1992, the term
26 of each member of the higher education strategic planning
27 council appointed prior to that date is shortened by changing
28 the expiration date from June 30 to April 30 of the final year
29 of the term.

30 Sec. 15. USE AND CREDITING OF BOND EARNINGS AND PROCEEDS.
31 The authority granted in 1971 Iowa Acts, chapter 222, section
32 1, codified as section 453.14, Code 1973, applies to the use
33 and crediting of earnings and investments of the proceeds from
34 bonds issued on or after as well as prior to July 1, 1971.

35 Sec. 16. Sections 8 and 15 of this Act apply retroactively

1 to July 1, 1971.

2 Sec. 17. EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

3 1. Sections 10, 11, and this section of this Act, being
4 deemed of immediate importance, take effect upon enactment.

5 2. Section 11 of this Act applies to all property held at
6 any time on or after the effective date of section 11,
7 regardless of when the property is abandoned or becomes
8 presumptively abandoned.

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SENATE FILE 2097

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1 Amend Senate File 2097, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 20.17, subsection 11, Code
6 Supplement 1991, as amended by 1992 Iowa Acts, Senate
7 File 2216, section 1, is amended to read as follows:

8 11. a. In the absence of an impasse agreement
9 negotiated pursuant to section 20.19 which provides
10 for a different completion date, public employees
11 represented by a certified employee organization who
12 are teachers licensed under chapter 260 and who are
13 employed by a public employer which is a school
14 district or area education agency shall complete the
15 negotiation of a proposed collective bargaining
16 agreement not later than April 15 of the year when the
17 agreement is to become effective. The board shall
18 provide, by rule, a date on which impasse items in
19 such cases must be submitted to binding arbitration
20 and for such other procedures as deemed necessary to
21 provide for the completion of negotiations of proposed
22 collective bargaining agreements not later than April
23 15. The date selected for the mandatory submission of
24 impasse items to binding arbitration in such cases
25 shall be sufficiently in advance of April 15 to ensure
26 that the arbitrators' decision can be reasonably made
27 before April 15.

28 b. If the public employer is a community college,
29 the following apply:

30 (1) The negotiation of a proposed collective
31 bargaining agreement shall be complete not later than
32 June 1 of the year when the agreement is to become
33 effective, absent the existence of an impasse
34 agreement negotiated pursuant to section 20.19 which
35 provides for a different completion date. The board
36 shall adopt rules providing for a date on which
37 impasse items in such cases must be submitted to
38 binding arbitration and for procedures for the
39 completion of negotiations of proposed collective
40 bargaining agreements not later than June 1. The date
41 selected for the mandatory submission of impasse items
42 to binding arbitration in such cases shall be
43 sufficiently in advance of June 1 to ensure that the
44 arbitrators' decision can be reasonably made by June
45 1.

46 (2) Notwithstanding the provisions of paragraph
47 "a" subparagraph (1), the June 1 deadline may be
48 waived by mutual agreement of the parties to the
49 collective bargaining agreement negotiations."

50 2. Page 1, by inserting after line 11, the

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1 following:

2 "Sec. ____ . Section 22.7, subsection 27, Code 1991,
3 is amended to read as follows:

4 27. Applications, investigation reports, and case
5 records of persons applying for county general relief
6 assistance pursuant to section 252.25."

7 3. Page 1, by inserting before line 12 the
8 following:

9 "Sec. 1000. Section 110.1, subsection 3, Code
10 Supplement 1991, is amended to read as follows:

11 3. Hunting and fishing combined licenses:
12 Legal residents except as otherwise provided \$ ~~23.50~~
13 21.50".

14 4. Page 2, by inserting after line 15 the
15 following:

16 "Sec. ____ . Section 123.46, subsection 4, Code
17 1991, is amended to read as follows:

18 4. Upon the expiration of two years following
19 conviction for a violation of this section, a person
20 may petition the court to exonerate the person of the
21 conviction, and if the person has had no other
22 criminal convictions, other than simple misdemeanor
23 violations of chapter 321 during the two-year period,
24 the court shall order the person exonerated of the
25 offense and the record expunged. Upon entry of an
26 order exonerating the person of the conviction, the
27 record of the conviction shall be expunged by the
28 clerk of the district court. As used in this
29 subsection, the word "shall" imposes an affirmative
30 duty, and does not permit discretion to be used."

31 5. Page 2, by inserting after line 24 the
32 following:

33 "Sec. ____ . Section 162.2, subsection 7, Code 1991,
34 is amended to read as follows:

35 7. "Commercial breeder" means a person, engaged in
36 the business of breeding dogs or cats, who sells,
37 exchanges, or leases dogs or cats in return for
38 consideration, or who offers to do so, whether or not
39 the animals are raised, trained, groomed, or boarded
40 by the person. A person who owns or harbors three or
41 less breeding males or females is not a commercial
42 breeder. However, a person who breeds or harbors
43 greyhounds for the purposes of using them for pari-
44 mutuel racing shall be considered a commercial breeder
45 irrespective of the number of greyhounds bred or
46 harbored and irrespective of whether the person sells,
47 leases, or exchanges the greyhounds for consideration
48 or offers to do so."

49 6. Page 2, by inserting after line 24, the
50 following:

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1 "Sec. 2000. Section 176A.10, subsection 6,
2 unnumbered paragraph 1, Code Supplement 1991, is
3 amended to read as follows:

4 An extension council of an extension district may
5 choose to be subject to the levy and revenue limits
6 specified in paragraphs "b" of subsections 1, 2, 3,
7 and 4 and subsection 5 for the purpose of the annual
8 levy for the fiscal year commencing July 1, 1991,
9 which levy is payable in the fiscal year beginning
10 July 1, 1992. Before an extension district may be
11 subject to the levy and revenue limits specified in
12 paragraphs "b" of subsections 1, 2, 3, and 4 and
13 subsection 5, for fiscal years beginning on or after
14 July 1, 1992, which levy is payable in fiscal years
15 beginning on or after July 1, 1993, the question of
16 whether the district shall be subject to the levy and
17 revenue limits as specified in such subsections must
18 be submitted to the registered voters of the district.
19 The question shall be submitted at the time of a state
20 general election. If the question is approved by a
21 majority of those voting on the question the levy and
22 revenue limits specified in paragraphs "b" of
23 subsections 1, 2, 3, and 4 and subsection 5, shall
24 thereafter apply to the extension district. The
25 question need only be approved at one state general
26 election. If a majority of those voting on the
27 question vote against the question, the district may
28 continue to submit the question at subsequent state
29 general elections until approved."

30 7. Page 2, by inserting before line 25 the
31 following:

32 "Sec. ____ . Section 232.162, Code 1991, is amended
33 to read as follows:

34 232.162 AUTHORITY TO ENTER AGREEMENTS.

35 The officers and agencies of this state and its
36 subdivisions having authority to place children are
37 ~~hereby-empowered-to~~ may enter into agreements with
38 appropriate officers or agencies of or in other party
39 states pursuant to paragraph "b" of article V of the
40 interstate compact on the placement of children. Any
41 such agreement which contains a financial commitment
42 or imposes a financial obligation on this state or a
43 subdivision or agency ~~thereof~~ of this state shall not
44 be binding unless it has the approval in writing of
45 the administrator of ~~family-and-children's~~ child and
46 family services in the case of the state and the
47 county general ~~relief assistance~~ director in the case
48 of a subdivision of the state.

49 Sec. ____ . Section 252.6, Code 1991, is amended to
50 read as follows:

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1 252.6 ENFORCEMENT OF LIABILITY.

2 Upon the failure of such relatives ~~so~~ to ~~relieve~~
3 ~~assist~~ or maintain a poor person who has made
4 ~~application for relief assistance~~, the county board of
5 supervisors, county social welfare board, or state
6 division of child and family services of the
7 department of human services may apply to the district
8 court of the county where ~~such the~~ poor person resides
9 or may be ~~found~~, for an order to ~~compel the same~~
10 ~~assistance or maintenance~~.

11 Sec. ____ . Section 252.8, Code 1991, is amended to
12 read as follows:

13 252.8 SCOPE OF ORDER.

14 The order may be for the entire or partial support
15 of the applicant, may be for the payment of money or
16 the taking of the applicant to a relative's house, or
17 may assign the applicant for a certain time to one and
18 for another period to another, as ~~may-be~~ is just and
19 right, taking into view the means of the several
20 relatives liable, but no such assignment shall be made
21 to one who is willing to pay the amount necessary for
22 support. If the order ~~be~~ is for ~~relief assistance~~ in
23 any other form than money, it shall state the extent
24 and value ~~thereof of the assistance~~ per week, and the
25 time ~~such-relief assistance~~ shall continue; or the
26 order may make the time of continuance indefinite, and
27 it may be varied from time to time by a new order, as
28 circumstances ~~may~~ require, upon application to the
29 court by the trustees, the poor person, or the
30 relative affected, ten days' notice ~~thereof~~ being
31 given to the party or parties concerned.

32 Sec. ____ . Section 252.13, Code 1991, is amended to
33 read as follows:

34 252.13 RECOVERY BY COUNTY.

35 Any county having expended any money for the ~~relief~~
36 ~~assistance or support of a poor person~~, under the
37 ~~provisions of this chapter~~, may recover the ~~same money~~
38 from any of ~~that person's kindred mentioned herein~~,
39 ~~the following~~: from ~~such the~~ poor person ~~should~~ if
40 ~~the person become~~ becomes able, or from the person's
41 estate; from relatives by action brought within two
42 years from the payment of ~~such expenses~~ the assistance
43 or support, from ~~such the~~ poor person by action
44 brought within two years after ~~becoming the person~~
45 becomes able, and from ~~such the~~ person's estate by
46 filing the claim as provided by law. There shall be
47 allowed against the person's estate a claim of the
48 sixth class for that portion of the liability to the
49 county which exceeds the total amount of all claims of
50 the first through the fifth classes, inclusive, as

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1 defined in section 633.425, which are allowed against
2 that estate.

3 Sec. _____. Section 252.22, unnumbered paragraph 1,
4 Code 1991, is amended to read as follows:

5 When relief assistance is granted to a poor person
6 having a settlement in another county, the auditor
7 shall at once by mail notify the auditor of the county
8 of settlement of that fact, and, within fifteen days
9 after receipt of the notice, the auditor shall inform
10 the auditor of the county granting relief assistance
11 if the claim of settlement is disputed. If it is not,
12 the poor person, at the request of the auditor or
13 board of supervisors of the county of settlement, may
14 be maintained where the person then is at the expense
15 of the county of legal settlement, and without
16 affecting legal settlement as provided in section
17 252.16.

18 Sec. _____. Section 252.23, Code 1991, is amended to
19 read as follows:

20 252.23 TRIAL.

21 If the alleged settlement is disputed, then, within
22 thirty days after notice thereof as above provided in
23 section 252.22, a copy of the notices sent and
24 received shall be filed in the office of the clerk of
25 the district court of the county against which claim
26 is made, and a cause docketed without other pleadings,
27 and tried as an ordinary action, in which the county
28 affording granting the relief assistance shall be
29 plaintiff, and the other defendant, and the burden of
30 proof shall be upon the county granting the relief
31 assistance.

32 Sec. _____. Section 252.24, Code 1991, is amended to
33 read as follows:

34 252.24 COUNTY OF SETTLEMENT LIABLE.

35 The county where the settlement is shall be liable
36 to the county rendering-relief granting assistance for
37 all reasonable charges and expenses incurred in the
38 relief assistance and care of a poor person.

39 When relief-as-herein-provided assistance is
40 furnished by any governmental agency of the county,
41 township, or city, such-relief the assistance shall be
42 deemed to have been furnished by the county in which
43 such the agency is located and the agency furnishing
44 such-relief the assistance shall certify the
45 correctness of the costs of such-relief the assistance
46 to the board of supervisors of said that county and
47 said that county shall collect from the county of such
48 the person's settlement. The amounts herein collected
49 by said the county where the agency is located shall
50 be paid to the agency furnishing such-relief the

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1 assistance. This statute ~~as herein amended shall~~
2 ~~apply~~ applies to services and supplies furnished as
3 provided in section 139.30.

4 Sec. _____. Section 252.25, Code 1991, is amended to
5 read as follows:

6 252.25 COUNTY GENERAL RELIEF ASSISTANCE.

7 The board of supervisors of each county shall
8 provide for the ~~relief~~ relief assistance of poor persons in
9 its county who are ineligible for, or are in immediate
10 need and are awaiting approval and receipt of,
11 assistance under programs provided by state or federal
12 law, or whose actual needs cannot be fully met by the
13 assistance furnished under ~~such~~ those programs. The
14 county board shall establish general rules as its
15 members deem necessary to properly discharge their
16 responsibility under this section.

17 All applications, investigation reports, and case
18 records of persons applying for county general relief
19 assistance under this chapter are privileged
20 communications and confidential, subject to use and
21 inspection only by persons authorized by law in
22 connection with their official duties relating to
23 financial audits and administration of this chapter or
24 as authorized by order of a district court.
25 Examination of an individual's applications, reports,
26 and records may also be authorized by a signed release
27 from the individual.

28 Sec. _____. Section 252.26, Code 1991, is amended to
29 read as follows:

30 252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.

31 The board of supervisors in each county shall
32 appoint or designate a general relief assistance
33 director for the county, who shall have the powers and
34 duties conferred by this chapter. In counties of one
35 hundred thousand or less population, the county board
36 may designate as general relief assistance director an
37 employee of the state department of human services who
38 is assigned to work in that county and is directed by
39 the director of human services, pursuant to an
40 agreement with the county board, to exercise the
41 functions and duties of general relief assistance
42 director in that county. The director shall receive
43 as compensation an amount to be determined by the
44 county board.

45 Sec. _____. Section 252.27, Code 1991, is amended to
46 read as follows:

47 252.27 FORM OF RELIEF ASSISTANCE -- CONDITION.

48 The board of supervisors shall determine the form
49 of the relief assistance. However, legal aid shall be
50 only in civil matters and provided only through a

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1 legal aid program approved by the board of
2 supervisors. The amount of assistance issued shall be
3 determined by standards of assistance established by
4 the board of supervisors. They may require any able-
5 bodied person to work on public programs or projects
6 at the prevailing local rate per hour in payment for
7 and as a condition of granting relief assistance. The
8 labor shall be performed under the direction of the
9 officers having charge of such the public programs or
10 projects. Subject to ~~the provisions of~~ section 142.1,
11 relief assistance may consist of the burial of
12 nonresident indigent transients and the payment of the
13 reasonable cost of burial, not to exceed two hundred
14 fifty dollars.

15 The board shall record its proceedings relating to
16 the provision of relief assistance to specific persons
17 under this chapter. A person who is aggrieved by a
18 decision of the board may appeal the decision as if it
19 were a contested case before an agency and as if the
20 person had exhausted administrative remedies in
21 accordance with the procedures and standards in
22 section 17A.19, subsections 2 to 8 except paragraphs
23 "b" and "c" of subsection 8, and section 17A.20.

24 Sec. ____ . Section 252.33, Code 1991, is amended to
25 read as follows:

26 252.33 APPLICATION FOR RELIEF ASSISTANCE.

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27 ~~The poor~~ A person may make application for relief
28 assistance to a member of the board of supervisors, or
29 to the general relief assistance director of the
30 county where ~~they may be~~ the person is. If
31 application be is made to the general relief
32 assistance director and that officer is satisfied that
33 the applicant is in such a state of want as which
34 requires relief assistance at the public expense, the
35 director may afford such temporary relief assistance,
36 subject to the approval of the board of supervisors,
37 as the necessities of the person require and shall
38 immediately report the case forthwith to the board of
39 supervisors, who may continue or deny relief
40 assistance, as they find cause.

41 Sec. ____ . Section 252.35, Code 1991, is amended to
42 read as follows:

43 252.35 PAYMENT OF CLAIMS.

44 All claims and bills for the care and support of
45 the poor shall be certified to be correct by the
46 general relief assistance director and presented to
47 the board of supervisors, and, if the board is
48 satisfied that the claims and bills are reasonable and
49 proper, they shall be paid.

50 Sec. ____ . Section 252.37, Code 1991, is amended to

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1 read as follows:

2 252.37 APPEAL TO SUPERVISORS.

3 If any a poor person, on application to the general
4 relief assistance director, be is refused the required
5 relief assistance, the applicant may appeal to the
6 board of supervisors, who, upon examination into the
7 matter, may order the director to afford-relief
8 provide assistance, or it may direct specific relief
9 assistance.

10 Sec. ____ . Section 252.42, Code 1991, is amended to
11 read as follows:

12 252.42 CO-OPERATION ON WORK-RELIEF WORK-ASSISTANCE
13 PROJECTS.

14 The county board of supervisors may join and co-
15 operate with the United States government, or cities a
16 city within their the city's boundaries, or both the
17 United States government and cities a city within
18 their the city's boundaries, in sponsoring work
19 projects, provided that the money used does not exceed
20 the cost per month of supplying relief assistance to
21 the certified persons working on projects who would be
22 receiving direct relief assistance if they were not
23 employed on the projects.

24 Sec. ____ . Section 255.2, Code 1991, is amended to
25 read as follows:

26 255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

27 ~~It shall be the duty of physicians~~ Physicians,
28 public health nurses, members of boards of
29 supervisors, general relief assistance directors,
30 sheriffs, police officers, and public school teachers,
31 having knowledge of persons suffering from any such
32 malady or deformity, to shall file or cause such a
33 complaint to be filed.

34 Sec. ____ . Section 255.6, Code 1991, is amended to
35 read as follows:

36 255.6 INVESTIGATION AND REPORT.

37 When such a complaint is filed, the clerk of
38 juvenile court shall furnish the county attorney and
39 board of supervisors with a copy thereof and said the
40 board shall, by the general relief assistance director
41 or such other agent as it may-select selects, make a
42 thorough investigation of facts as to the legal
43 residence of the patient, and the ability of the
44 patient or others chargeable with the patient's
45 support to pay the expense of such treatment and care;
46 and shall file a report of such the investigation in
47 the office of the clerk, at or before the time of
48 hearing.

49 Sec. ____ . Section 255.8, unnumbered paragraph 1,
50 Code 1991, is amended to read as follows:

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1 The county attorney and the general relief
2 assistance director, or other agent of the board of
3 supervisors of the county ~~where the hearing is held,~~
4 shall appear ~~thereat~~ at the hearing. The complainant,
5 the county attorney, the general relief assistance
6 director or other agent of the board of supervisors,
7 and the patient, or any person representing the
8 patient, may introduce evidence and be heard. If the
9 court finds that ~~said~~ the patient is a legal resident
10 of Iowa and is pregnant or is suffering from a malady
11 or deformity which can probably be improved or cured
12 or advantageously treated by medical or surgical
13 treatment or hospital care, and that neither the
14 patient nor any person legally chargeable with the
15 patient's support is able to pay the expenses thereof,
16 then the clerk of court, except in obstetrical cases
17 and orthopedic cases of crippled children, shall
18 immediately ascertain from the admitting physician at
19 the university hospital whether ~~such~~ the person can be
20 received as a patient within a period of thirty days,
21 and if the patient can be so received, the court, or
22 in the event of no actual contest, the clerk of the
23 court, shall then enter an order directing that ~~said~~
24 the patient be sent to the university hospital for
25 proper medical and surgical treatment and hospital
26 care. If the court ascertain, ~~excepting~~ except in
27 obstetrical cases and orthopedic cases, that a person
28 of the age or sex of the patient, or afflicted by the
29 complaint, disease, or deformity with which ~~such~~ the
30 person is ~~affected~~ afflicted, cannot be received as a
31 patient at the university hospital within the period
32 of thirty days, then the court or the clerk shall
33 enter an order directing the board of supervisors of
34 the county to provide adequate treatment at county
35 expense for the patient at home or in a hospital.
36 Obstetrical cases and orthopedic cases may be
37 committed to the university hospital without regard to
38 the limiting period of thirty days."

39 8. Page 4, by inserting after line 5 the
40 following:

41 "Sec. ____ . Section 312.2, subsection 15, Code
42 Supplement 1991, is amended to read as follows:

43 15. The treasurer of state, before making the
44 allotments provided for in this section, shall credit
45 monthly from the road use tax fund to the public
46 transit assistance fund, created under section 601J.6,
47 from revenue credited to the road use tax fund under
48 section 423.24, subsection 1, paragraph "c", an amount
49 equal to one-twentieth of the revenue ~~credited to the~~
50 ~~road-use-tax-fund-under-section-423.24-subsection-17~~

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1 paragraph-"e" derived from the use tax on motor
2 vehicles, trailers, and motor vehicle accessories and
3 equipment as collected pursuant to section 423.7,

4 Notwithstanding the provisions of this subsection
5 directing that one-twentieth of the revenue credited
6 ~~to the road use tax fund under section 423.24,~~
7 subsection-17-paragraph-"e" derived from the use tax
8 on motor vehicles, trailers, and motor vehicle
9 accessories and equipment as collected pursuant to
10 section 423.7, be deposited into the public transit
11 assistance fund, for the fiscal period beginning on
12 July 1, 1991, and ending June 30, 1993, such amount
13 shall be deposited into the general fund of the state.
14 There is appropriated from the general fund of the
15 state for each fiscal year to the state department of
16 transportation the amount of revenues credited to the
17 general fund of the state during the fiscal year under
18 this subsection to be used for purposes of public
19 transit assistance under chapter 601C."

20 9. Page 4, by inserting after line 5 the
21 following:

22 "Sec. ____ . Section 321J.4, subsection 2, Code
23 1991, is amended by striking the subsection.

24 X Sec. ____ . Section 321J.20, subsection 1, paragraph
25 a, Code 1991, is amended to read as follows:

26 a. The person's motor vehicle license is revoked
27 under section 321J.4, subsection 1, 2, 4, or 6."

28 10. Page 4, by inserting after line 5, the
29 following:

30 "Sec. ____ . Section 331.321, subsection 1,
31 paragraph 1, Code 1991, is amended to read as follows:

32 i. A general relief assistance director in
33 accordance with section 252.26.

34 Sec. ____ . Section 331.323, subsection 1, paragraph
35 f, Code 1991, is amended to read as follows:

36 f. General relief assistance director

37 Sec. ____ . Section 331.381, subsection 8, Code
38 1991, is amended to read as follows:

39 8. Administer general relief assistance for the
40 poor in accordance with chapter 252."

41 11. Page 4, by inserting after line 5, the
42 following:

43 "Sec. ____ . Section 331.604, Code Supplement 1991,
44 as amended by 1992 Iowa Acts, House File 39, is
45 amended to read as follows:

46 "331.604 GENERAL RECORDING AND FILING FEE.

47 1. Except as otherwise provided by state law,
48 subsection 2, or section 331.605, subsection-2, the
49 recorder shall collect a fee of five dollars for each
50 page or fraction of a page of an instrument which is

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1 filed or recorded in the recorder's office. If a page
2 or fraction of a page contains more than one
3 transaction, the recorder shall collect the fee for
4 each transaction.

5 2. A county shall not be required to pay a fee to
6 the recorder for filing or recording instruments."

7 12. Page 4, by inserting before line 6 the
8 following:

9 "Sec. ____ . Section 347.16, subsection 2, Code
10 1991, is amended to read as follows:

11 2. Free care and treatment shall be furnished in a
12 county public hospital to any sick or injured person
13 who fulfills the residency requirements under section
14 47.4, subsection 4, in the county maintaining the
15 hospital, and who is indigent. The board of hospital
16 trustees shall determine whether a person is indigent
17 and entitled to free care under this subsection, or
18 may delegate that determination to the general relief
19 assistance director or the office of the department of
20 human services in that county, subject to such
21 guidelines as the board may adopt in conformity with
22 applicable statutes."

23 13. Page 6, by striking lines 1 through 24.

24 14. Page 6, by inserting before line 25 the
25 following:

26 "Sec. ____ . Section 663A.9, Code 1991, is amended
27 to read as follows:

28 663A.9 APPEAL.

29 An appeal from a final judgment entered under this
30 chapter may be taken, perfected, and prosecuted either
31 by the applicant or by the state in the manner and
32 within the time after judgment as provided in the
33 rules of appellate procedure for appeals from final
34 judgments in criminal cases. However, if the
35 applicant a party is seeking an appeal under section
36 663A.2, subsection 6, the appeal shall be by writ of
37 certiorari."

38 15. Page 8, by inserting after line 1, the
39 following:

40 "Sec. ____ . EFFECTIVE DATE AND APPLICABILITY
41 PROVISION. Section 1000 and this section of this Act
42 take effect December 15, 1992. The fee specified in
43 section 1000 of this Act is effective for the 1993
44 license year and each subsequent license year until
45 otherwise provided by the general assembly."

46 16. Page 8, by inserting before line 2, the
47 following:

48 "Sec. ____ . EFFECTIVE DATE PROVISION. Section 2000
49 and this section of this Act, being deemed of
50 immediate importance, take effect upon enactment."

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1 17. Page 8, by striking lines 2 through 8.

2 18. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT
JAY of Appanoose, Chairperson

HOUSE AMENDMENT TO
SENATE FILE 2097

S-5929

1 Amend Senate File 2097, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "Sec. ____ . Section 20.17, subsection 11, Code
6 Supplement 1991, as amended by 1992 Iowa Acts, Senate
7 File 2216, section 1, is amended to read as follows:

8 11. a. In the absence of an impasse agreement
9 negotiated pursuant to section 20.19 which provides
10 for a different completion date, public employees
11 represented by a certified employee organization who
12 are teachers licensed under chapter 260 and who are
13 employed by a public employer which is a school
14 district or area education agency shall complete the
15 negotiation of a proposed collective bargaining
16 agreement not later than April 15 of the year when the
17 agreement is to become effective. The board shall
18 provide, by rule, a date on which impasse items in
19 such cases must be submitted to binding arbitration
20 and for such other procedures as deemed necessary to
21 provide for the completion of negotiations of proposed
22 collective bargaining agreements not later than April
23 15. The date selected for the mandatory submission of
24 impasse items to binding arbitration in such cases
25 shall be sufficiently in advance of April 15 to ensure
26 that the arbitrators' decision can be reasonably made
27 before April 15.

28 b. If the public employer is a community college,
29 the following apply:

30 (1) The negotiation of a proposed collective
31 bargaining agreement shall be complete not later than
32 June 1 of the year when the agreement is to become
33 effective, absent the existence of an impasse
34 agreement negotiated pursuant to section 20.19 which
35 provides for a different completion date. The board
36 shall adopt rules providing for a date on which
37 impasse items in such cases must be submitted to
38 binding arbitration and for procedures for the
39 completion of negotiations of proposed collective
40 bargaining agreements not later than June 1. The date
41 selected for the mandatory submission of impasse items
42 to binding arbitration in such cases shall be
43 sufficiently in advance of June 1 to ensure that the
44 arbitrators' decision can be reasonably made by June
45 1.

46 (2) Notwithstanding the provisions of paragraph
47 "a" subparagraph (1), the June 1 deadline may be
48 waived by mutual agreement of the parties to the
49 collective bargaining agreement negotiations."

50 2. Page 1, by inserting after line 11, the

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1 following:

2 "Sec. _____. Section 22.7, subsection 27, Code 1991,
3 is amended to read as follows:

4 27. Applications, investigation reports, and case
5 records of persons applying for county general relief
6 assistance pursuant to section 252.25."

7 3. Page 1, by inserting before line 12 the
8 following:

9 "Sec. 1000. Section 110.1, subsection 3, Code
10 Supplement 1991, is amended to read as follows:

11 3. Hunting and fishing combined licenses:

12 Legal residents except as otherwise provided \$ ~~23.50~~
13 21.50".

14 4. Page 2, by inserting after line 24 the
15 following:

16 "Sec. _____. Section 162.2, subsection 7, Code 1991,
17 is amended to read as follows:

18 7. "Commercial breeder" means a person, engaged in
19 the business of breeding dogs or cats, who sells,
20 exchanges, or leases dogs or cats in return for
21 consideration, or who offers to do so, whether or not
22 the animals are raised, trained, groomed, or boarded
23 by the person. A person who owns or harbors three or
24 less breeding males or females is not a commercial
25 breeder. However, a person who breeds or harbors
26 greyhounds for the purposes of using them for pari-
27 mutuel racing shall be considered a commercial breeder
28 irrespective of the number of greyhounds bred or
29 harbored and irrespective of whether the person sells,
30 leases, or exchanges the greyhounds for consideration
31 or offers to do so."

32 5. Page 2, by inserting after line 24, the
33 following:

34 "Sec. 2000. Section 176A.10, subsection 6,
35 unnumbered paragraph 1, Code Supplement 1991, is
36 amended to read as follows:

37 An extension council of an extension district may
38 choose to be subject to the levy and revenue limits
39 specified in paragraphs "b" of subsections 1, 2, 3,
40 and 4 and subsection 5 for the purpose of the annual
41 levy for the fiscal year commencing July 1, 1991,
42 which levy is payable in the fiscal year beginning
43 July 1, 1992. Before an extension district may be
44 subject to the levy and revenue limits specified in
45 paragraphs "b" of subsections 1, 2, 3, and 4 and
46 subsection 5, for fiscal years beginning on or after
47 July 1, 1992, which levy is payable in fiscal years
48 beginning on or after July 1, 1993, the question of
49 whether the district shall be subject to the levy and
50 revenue limits as specified in such subsections must

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1 be submitted to the registered voters of the district.
2 The question shall be submitted at the time of a state
3 general election. If the question is approved by a
4 majority of those voting on the question the levy and
5 revenue limits specified in paragraphs "b" of
6 subsections 1, 2, 3, and 4 and subsection 5, shall
7 thereafter apply to the extension district. The
8 question need only be approved at one state general
9 election. If a majority of those voting on the
10 question vote against the question, the district may
11 continue to submit the question at subsequent state
12 general elections until approved."

13 6. Page 2, by inserting before line 25 the
14 following:

15 "Sec. ____ . Section 232.162, Code 1991, is amended
16 to read as follows:

17 232.162 AUTHORITY TO ENTER AGREEMENTS.

18 The officers and agencies of this state and its
19 subdivisions having authority to place children ~~are~~
20 ~~hereby-empowered-to~~ may enter into agreements with
21 appropriate officers or agencies of or in other party
22 states pursuant to paragraph "b" of article V of the
23 interstate compact on the placement of children. Any
24 such agreement which contains a financial commitment
25 or imposes a financial obligation on this state or a
26 subdivision or agency ~~thereof~~ of this state shall not
27 be binding unless it has the approval in writing of
28 the administrator of ~~family-and-children's~~ child and
29 family services in the case of the state and the
30 county general relief assistance director in the case
31 of a subdivision of the state.

32 Sec. ____ . Section 252.6, Code 1991, is amended to
33 read as follows:

34 252.6 ENFORCEMENT OF LIABILITY.

35 Upon the failure of such relatives ~~so~~ to ~~relieve~~
36 assist or maintain a poor person who has made
37 application for ~~relief~~ relief assistance, the county board of
38 supervisors, county social welfare board, or state
39 division of child and family services of the
40 department of human services may apply to the district
41 court of the county where ~~such~~ the poor person resides
42 or may be found, for an order to compel the same
43 assistance or maintenance.

44 Sec. ____ . Section 252.8, Code 1991, is amended to
45 read as follows:

46 252.8 SCOPE OF ORDER.

47 The order may be for the entire or partial support
48 of the applicant, may be for the payment of money or
49 the taking of the applicant to a relative's house, or
50 may assign the applicant for a certain time to one and

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1 for another period to another, as may-be is just and
2 right, taking into view the means of the several
3 relatives liable, but no such assignment shall be made
4 to one who is willing to pay the amount necessary for
5 support. If the order be is for relief assistance in
6 any other form than money, it shall state the extent
7 and value thereof of the assistance per week, and the
8 time such-relief assistance shall continue; or the
9 order may make the time of continuance indefinite, and
10 it may be varied from time to time by a new order, as
11 circumstances may require, upon application to the
12 court by the trustees, the poor person, or the
13 relative affected, ten days' notice thereof being
14 given to the party or parties concerned.

15 Sec. ____ . Section 252.13, Code 1991, is amended to
16 read as follows:

17 252.13 RECOVERY BY COUNTY.

18 Any county having expended any money for the relief
19 assistance or support of a poor person, under the
20 provisions-of this chapter, may recover the same money
21 from any of that-person's-kindred-mentioned-herein,
22 the following: from such the poor person should if
23 the person become becomes able, or from the person's
24 estate; from relatives by action brought within two
25 years from the payment of such-expenses the assistance
26 or support, from such the poor person by action
27 brought within two years after becoming the person
28 becomes able, and from such the person's estate by
29 filing the claim as provided by law. There shall be
30 allowed against the person's estate a claim of the
31 sixth class for that portion of the liability to the
32 county which exceeds the total amount of all claims of
33 the first through the fifth classes, inclusive, as
34 defined in section 633.425, which are allowed against
35 that estate.

36 Sec. ____ . Section 252.22, unnumbered paragraph 1,
37 Code 1991, is amended to read as follows:

38 When relief assistance is granted to a poor person
39 having a settlement in another county, the auditor
40 shall at once by mail notify the auditor of the county
41 of settlement of that fact, and, within fifteen days
42 after receipt of the notice, the auditor shall inform
43 the auditor of the county granting relief assistance
44 if the claim of settlement is disputed. If it is not,
45 the poor person, at the request of the auditor or
46 board of supervisors of the county of settlement, may
47 be maintained where the person then is at the expense
48 of the county of legal settlement, and without
49 affecting legal settlement as provided in section
50 252.16.

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1 Sec. ____ . Section 252.23, Code 1991, is amended to
2 read as follows:

3 252.23 TRIAL.

4 If the alleged settlement is disputed, then, within
5 thirty days after notice thereof as above provided in
6 section 252.22, a copy of the notices sent and
7 received shall be filed in the office of the clerk of
8 the district court of the county against which claim
9 is made, and a cause docketed without other pleadings,
10 and tried as an ordinary action, in which the county
11 affording granting the relief assistance shall be
12 plaintiff, and the other defendant, and the burden of
13 proof shall be upon the county granting the relief
14 assistance.

15 Sec. ____ . Section 252.24, Code 1991, is amended to
16 read as follows:

17 252.24 COUNTY OF SETTLEMENT LIABLE.

18 The county where the settlement is shall be liable
19 to the county rendering-relief granting assistance for
20 all reasonable charges and expenses incurred in the
21 relief assistance and care of a poor person.

22 When relief-as-herein-provided assistance is
23 furnished by any governmental agency of the county,
24 township, or city, such-relief the assistance shall be
25 deemed to have been furnished by the county in which
26 such the agency is located and the agency furnishing
27 such-relief the assistance shall certify the
28 correctness of the costs of such-relief the assistance
29 to the board of supervisors of said that county and
30 said that county shall collect from the county of such
31 the person's settlement. The amounts herein collected
32 by said the county where the agency is located shall
33 be paid to the agency furnishing such-relief the
34 assistance. This statute as-herein-amended-shall
35 apply applies to services and supplies furnished as
36 provided in section 139.30.

37 Sec. ____ . Section 252.25, Code 1991, is amended to
38 read as follows:

39 252.25 COUNTY GENERAL RELIEF ASSISTANCE.

40 The board of supervisors of each county shall
41 provide for the relief assistance of poor persons in
42 its county who are ineligible for, or are in immediate
43 need and are awaiting approval and receipt of,
44 assistance under programs provided by state or federal
45 law, or whose actual needs cannot be fully met by the
46 assistance furnished under such those programs. The
47 county board shall establish general rules as its
48 members deem necessary to properly discharge their
49 responsibility under this section.

50 All applications, investigation reports, and case

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1 records of persons applying for county general relief
2 assistance under this chapter are privileged
3 communications and confidential, subject to use and
4 inspection only by persons authorized by law in
5 connection with their official duties relating to
6 financial audits and administration of this chapter or
7 as authorized by order of a district court.
8 Examination of an individual's applications, reports,
9 and records may also be authorized by a signed release
10 from the individual.

11 Sec. ____ . Section 252.26, Code 1991, is amended to
12 read as follows:

13 252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.

14 The board of supervisors in each county shall
15 appoint or designate a general relief assistance
16 director for the county, who shall have the powers and
17 duties conferred by this chapter. In counties of one
18 hundred thousand or less population, the county board
19 may designate as general relief assistance director an
20 employee of the state department of human services who
21 is assigned to work in that county and is directed by
22 the director of human services, pursuant to an
23 agreement with the county board, to exercise the
24 functions and duties of general relief assistance
25 director in that county. The director shall receive
26 as compensation an amount to be determined by the
27 county board.

28 Sec. ____ . Section 252.27, Code 1991, is amended to
29 read as follows:

30 252.27 FORM OF RELIEF ASSISTANCE -- CONDITION.

31 The board of supervisors shall determine the form
32 of the relief assistance. However, legal aid shall be
33 only in civil matters and provided only through a
34 legal aid program approved by the board of
35 supervisors. The amount of assistance issued shall be
36 determined by standards of assistance established by
37 the board of supervisors. They may require any able-
38 bodied person to work on public programs or projects
39 at the prevailing local rate per hour in payment for
40 and as a condition of granting relief assistance. The
41 labor shall be performed under the direction of the
42 officers having charge of such the public programs or
43 projects. Subject to ~~the provisions of~~ section 142.1,
44 relief assistance may consist of the burial of
45 nonresident indigent transients and the payment of the
46 reasonable cost of burial, not to exceed two hundred
47 fifty dollars.

48 The board shall record its proceedings relating to
49 the provision of relief assistance to specific persons
50 under this chapter. A person who is aggrieved by a

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1 decision of the board may appeal the decision as if it
2 were a contested case before an agency and as if the
3 person had exhausted administrative remedies in
4 accordance with the procedures and standards in
5 section 17A.19, subsections 2 to 8 except paragraphs
6 "b" and "c" of subsection 8, and section 17A.20.

7 Sec. ____ . Section 252.33, Code 1991, is amended to
8 read as follows:

9 252.33 APPLICATION FOR RELIEF ASSISTANCE.

10 ~~The poor~~ A person may make application for relief
11 assistance to a member of the board of supervisors, or
12 to the general relief assistance director of the
13 county where ~~they may be~~ the person is. If
14 application ~~be is~~ made to the general relief
15 assistance director and that officer is satisfied that
16 the applicant is in such a state of want as which
17 requires relief assistance at the public expense, the
18 director may afford such temporary relief assistance,
19 subject to the approval of the board of supervisors,
20 as the necessities of the person require and shall
21 immediately report the case forthwith to the board of
22 supervisors, who may continue or deny relief
23 assistance, as they find cause.

24 Sec. ____ . Section 252.35, Code 1991, is amended to
25 read as follows:

26 252.35 PAYMENT OF CLAIMS.

27 All claims and bills for the care and support of
28 the poor shall be certified to be correct by the
29 general relief assistance director and presented to
30 the board of supervisors, and, if the board is
31 satisfied that the claims and bills are reasonable and
32 proper, they shall be paid.

33 Sec. ____ . Section 252.37, Code 1991, is amended to
34 read as follows:

35 252.37 APPEAL TO SUPERVISORS.

36 If any a poor person, on application to the general
37 relief assistance director, ~~be is~~ refused the required
38 relief assistance, the applicant may appeal to the
39 board of supervisors, who, upon examination into the
40 matter, may order the director to afford relief
41 provide assistance, or it may direct specific relief
42 assistance.

43 Sec. ____ . Section 252.42, Code 1991, is amended to
44 read as follows:

45 252.42 CO-OPERATION ON WORK-RELIEF WORK-ASSISTANCE
46 PROJECTS.

47 The county board of supervisors may join and co-
48 operate with the United States government, or ~~cities a~~
49 city within ~~their~~ the city's boundaries, or both the
50 United States government and ~~cities a~~ city within

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1 ~~their~~ the city's boundaries, in sponsoring work
2 projects, provided that the money used does not exceed
3 the cost per month of supplying relief assistance to
4 the certified persons working on projects who would be
5 receiving direct relief assistance if they were not
6 employed on the projects.

7 Sec. ____ . Section 255.2, Code 1991, is amended to
8 read as follows:

9 255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

10 ~~It shall be the duty of physicians~~ Physicians,
11 public health nurses, members of boards of
12 supervisors, general relief assistance directors,
13 sheriffs, police officers, and public school teachers,
14 having knowledge of persons suffering from any such
15 malady or deformity, to shall file or cause such a
16 complaint to be filed.

17 Sec. ____ . Section 255.6, Code 1991, is amended to
18 read as follows:

19 255.6 INVESTIGATION AND REPORT.

20 When such a complaint is filed, the clerk of
21 juvenile court shall furnish the county attorney and
22 board of supervisors with a copy thereof and said the
23 board shall, by the general relief assistance director
24 or such other agent as it may-select selects, make a
25 thorough investigation of facts as to the legal
26 residence of the patient, and the ability of the
27 patient or others chargeable with the patient's
28 support to pay the expense of such treatment and care;
29 and shall file a report of such the investigation in
30 the office of the clerk, at or before the time of
31 hearing.

32 Sec. ____ . Section 255.8, unnumbered paragraph 1,
33 Code 1991, is amended to read as follows:

34 The county attorney and the general relief
35 assistance director, or other agent of the board of
36 supervisors of the county ~~where the hearing is held,~~
37 shall appear thereat at the hearing. The complainant,
38 the county attorney, the general relief assistance
39 director or other agent of the board of supervisors,
40 and the patient, or any person representing the
41 patient, may introduce evidence and be heard. If the
42 court finds that said the patient is a legal resident
43 of Iowa and is pregnant or is suffering from a malady
44 or deformity which can probably be improved or cured
45 or advantageously treated by medical or surgical
46 treatment or hospital care, and that neither the
47 patient nor any person legally chargeable with the
48 patient's support is able to pay the expenses thereof,
49 then the clerk of court, except in obstetrical cases
50 and orthopedic cases ~~of crippled children,~~ shall

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1 immediately ascertain from the admitting physician at
2 the university hospital whether ~~such~~ the person can be
3 received as a patient within a period of thirty days,
4 and if the patient can be so received, the court, or
5 in the event of no actual contest, the clerk of the
6 court, shall then enter an order directing that said
7 the patient be sent to the university hospital for
8 proper medical and surgical treatment and hospital
9 care. If the court ascertain, excepting except in
10 ~~obstetrical cases and orthopedic cases~~, that a person
11 of the age or sex of the patient, or afflicted by the
12 complaint, disease, or deformity with which such the
13 person is affected afflicted, cannot be received as a
14 patient at the university hospital within the period
15 of thirty days, then the court or the clerk shall
16 enter an order directing the board of supervisors of
17 the county to provide adequate treatment at county
18 expense for the patient at home or in a hospital.
19 Obstetrical cases and orthopedic cases may be
20 committed to the university hospital without regard to
21 the limiting period of thirty days."

22 7. Page 4, by inserting after line 5 the
23 following:

24 "Sec. ____ . Section 312.2, subsection 15, Code
25 Supplement 1991, is amended to read as follows:

26 15. The treasurer of state, before making the
27 allotments provided for in this section, shall credit
28 monthly from the road use tax fund to the public
29 transit assistance fund, created under section 601J.6,
30 from revenue credited to the road use tax fund under
31 section 423.24, subsection 1, paragraph "c", an amount
32 equal to one-twentieth of the revenue ~~credited to the~~
33 ~~road-use-tax-fund-under-section-423.24, subsection 1,~~
34 ~~paragraph "e" derived from the use tax on motor~~
35 vehicles, trailers, and motor vehicle accessories and
36 equipment as collected pursuant to section 423.7.

37 Notwithstanding the provisions of this subsection
38 directing that one-twentieth of the revenue ~~credited~~
39 ~~to the road-use-tax-fund-under-section-423.24,~~
40 ~~subsection 1, paragraph "e" derived from the use tax~~
41 on motor vehicles, trailers, and motor vehicle
42 accessories and equipment as collected pursuant to
43 section 423.7, be deposited into the public transit
44 assistance fund, for the fiscal period beginning on
45 July 1, 1991, and ending June 30, 1993, such amount
46 shall be deposited into the general fund of the state.
47 There is appropriated from the general fund of the
48 state for each fiscal year to the state department of
49 transportation the amount of revenues credited to the
50 general fund of the state during the fiscal year under

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1 this subsection to be used for purposes of public
2 transit assistance under chapter 601J."

3 8. Page 4, by inserting after line 5 the
4 following:

5 "Sec. _____. Section 321J.4, subsection 2, Code
6 1991, is amended by striking the subsection.

7 Sec. _____. Section 321J.20, subsection 1, paragraph
8 a, Code 1991, is amended to read as follows:

9 a. The person's motor vehicle license is revoked
10 under section 321J.4, subsection 1, 2, 4, or 6."

11 9. Page 4, by inserting after line 5, the
12 following:

13 "Sec. _____. Section 331.321, subsection 1,
14 paragraph i, Code 1991, is amended to read as follows:

15 i. A general relief assistance director in
16 accordance with section 252.26.

17 Sec. _____. Section 331.323, subsection 1, paragraph
18 f, Code 1991, is amended to read as follows:

19 f. General relief assistance director

20 Sec. _____. Section 331.381, subsection 8, Code
21 1991, is amended to read as follows:

22 8. Administer general relief assistance for the
23 poor in accordance with chapter 252."

24 10. Page 4, by inserting after line 5, the
25 following:

26 "Sec. _____. Section 331.604, Code Supplement 1991,
27 as amended by 1992 Iowa Acts, House File 39, is
28 amended to read as follows:

29 "331.604 GENERAL RECORDING AND FILING FEE.

30 1. Except as otherwise provided by state law,
31 subsection 2, or section 331.605, subsection-2, the
32 recorder shall collect a fee of five dollars for each
33 page or fraction of a page of an instrument which is
34 filed or recorded in the recorder's office. If a page
35 or fraction of a page contains more than one
36 transaction, the recorder shall collect the fee for
37 each transaction.

38 2. A county shall not be required to pay a fee to
39 the recorder for filing or recording instruments."

40 11. Page 4, by inserting before line 6 the
41 following:

42 "Sec. _____. Section 347.16, subsection 2, Code
43 1991, is amended to read as follows:

44 2. Free care and treatment shall be furnished in a
45 county public hospital to any sick or injured person
46 who fulfills the residency requirements under section
47 47.4, subsection 4, in the county maintaining the
48 hospital, and who is indigent. The board of hospital
49 trustees shall determine whether a person is indigent
50 and entitled to free care under this subsection, or

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1 may delegate that determination to the general relief
2 assistance director or the office of the department of
3 human services in that county, subject to such
4 guidelines as the board may adopt in conformity with
5 applicable statutes."

6 12. Page 6, by striking lines 1 through 24.

7 13. Page 6, by inserting before line 25 the
8 following: -

9 "Sec. ____ . Section 663A.9, Code 1991, is amended
10 to read as follows:

11 663A.9 APPEAL.

12 An appeal from a final judgment entered under this
13 chapter may be taken, perfected, and prosecuted either
14 by the applicant or by the state in the manner and
15 within the time after judgment as provided in the
16 rules of appellate procedure for appeals from final
17 judgments in criminal cases. However, if the
18 applicant a party is seeking an appeal under section
19 663A.2, subsection 6, the appeal shall be by writ of
20 certiorari."

21 14. Page 8, by inserting after line 1, the
22 following:

23 "Sec. ____ . EFFECTIVE DATE AND APPLICABILITY
24 PROVISION. Section 1000 and this section of this Act
25 take effect December 15, 1992. The fee specified in
26 section 1000 of this Act is effective for the 1993
27 license year and each subsequent license year until
28 otherwise provided by the general assembly."

29 15. Page 8, by inserting before line 2, the
30 following:

31 "Sec. ____ . EFFECTIVE DATE PROVISION. Section 2000
32 and this section of this Act, being deemed of
33 immediate importance, take effect upon enactment."

34 16. Page 8, by striking lines 2 through 8.

35 17. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5929 FILED APRIL 30, 1992

Senate refused to concur 5/2 (p. 1765)
House insists 5/2 (p. 2035)

SENATE FILE 2097

S-5949

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 11, by inserting after line 20 the
5 following:

6 "____. Page 7, by inserting after line 18 the
7 following:

8 "Sec. _____. Section 910A.15, unnumbered paragraph
9 1, Code 1991, is amended to read as follows:

10 A prosecuting witness who is a child minor, as
11 defined in section 702-5 599.1, in a any case
12 ~~involving a violation of chapter 709 or section 726-27~~
13 ~~726-37-726-67 or 728-127~~, is entitled to have the
14 witness's interests represented by a guardian ad litem
15 at all stages of the proceedings ~~arising from such~~
16 ~~violation~~. The guardian ad litem shall be a
17 practicing attorney and shall be designated by the
18 court after due consideration is given to the desires
19 and needs of the child minor and the compatibility of
20 the child minor and the child's minor's interests with
21 the prospective guardian ad litem. If a guardian ad
22 litem has previously been appointed for the child
23 minor in a proceeding under chapter 232 or a
24 proceeding in which the juvenile court has waived
25 jurisdiction under section 232.45, the court shall
26 appoint the same guardian ad litem under this section.
27 The guardian ad litem shall receive notice of and may
28 attend all depositions, hearings and trial proceedings
29 to support the child minor and advocate for the
30 protection of the child minor but shall not be allowed
31 to separately introduce evidence or to directly
32 examine or cross-examine witnesses. However, the
33 guardian ad litem shall file reports to the court as
34 required by the court.""

35 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5949 FILED MAY 2, 1992

w/d (p. 1765)

SENATE FILE 2097

S-5945

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 11, by inserting after line 20, the
5 following:

6 "____. Page 7, by inserting after line 18 the
7 following:

8 "Sec. ____ Section 910A.14, Code 1991, is amended
9 to read as follows:

10 910A.14 RECORDED EVIDENCE -- COURT TESTIMONY.

11 1. A court may, upon its own motion or upon motion
12 of any party, order that the testimony of a child~~7-as~~
13 ~~defined-in-section-702:5~~, be taken in a room other
14 than the courtroom and be televised by closed circuit
15 equipment in the courtroom to be viewed by the court.
16 Only the judge, parties, counsel, persons necessary to
17 operate the equipment, and any person whose presence,
18 in the opinion of the court, would contribute to the
19 welfare and well-being of the child may be present in
20 the room with the child during the child's testimony.

21 2. The court may, upon its own motion or upon
22 motion of a party, order that the testimony of a
23 child~~7-as-defined-in-section-702:5~~, be taken by
24 recorded deposition for use at trial, pursuant to rule
25 of criminal procedure 12(2)(b). In addition to
26 requiring that such testimony be recorded by
27 stenographic means, the court may on motion and
28 hearing, and upon a finding that the child is
29 unavailable as provided in Iowa rules of evidence
30 804(a), order the videotaping of the child's testimony
31 for viewing in the courtroom by the court. The
32 videotaping shall comply with the provisions of rule
33 of criminal procedure 12(2)(b), and shall be
34 admissible as evidence in the trial of the cause.

35 3. The court may upon motion of a party admit into
36 evidence the recorded statements of a child~~7-as~~
37 ~~defined-in-section-702:5~~, describing sexual contact
38 performed with or on the child, not otherwise
39 admissible in evidence by statute or court rule if the
40 court determines that the recorded statements
41 substantially comport with the requirements for admis-
42 sion under Iowa rules of evidence 803(24) or 804(5).

43 4. A court may, upon its own motion or upon the
44 motion of a party, order the court testimony of a
45 child to be limited in duration in accordance with the
46 developmental maturity of the child. The court may
47 consider or hear expert testimony in order to
48 determine the appropriate limitation on the duration
49 of a child's testimony. However, the court shall,
50 upon motion, limit the duration of a child's

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Page 2

1 uninterrupted testimony to one hour, at which time the
2 court shall allow the child to rest before continuing
3 to testify.

4 5. As used in this section, unless the context
5 otherwise requires, "child" means a person who was a
6 child, as defined in section 702.5, at the time of the
7 events as to which the person is testifying, and who
8 is under the age of eighteen at the time of testimony
9 or of the motion before the court.

10 Sec. ____ . Rule 12, subsection 2, paragraph b,
11 unnumbered paragraph 1, Iowa rules of criminal
12 procedure, third edition, is amended to read as
13 follows:

14 The court may upon motion of a party and notice to
15 the other parties order that the testimony of a victim
16 or witness who is a child, as defined in Iowa Code
17 section ~~702.5~~ 910A.14, be taken by deposition for use
18 at trial. Only the judge, parties, counsel, persons
19 necessary to record the deposition, and any person
20 whose presence, in the opinion of the court, would
21 contribute to the welfare and well-being of the child
22 may be present in the room with the child during the
23 child's deposition."

24 2. By renumbering and correcting internal
25 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5945 FILED MAY 2, 1992

w/d (p. 1765)

SENATE FILE 2097

S-5943

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, line 25, by inserting after the word
5 "harbors" the following: "more than three breeding
6 male or female".

7 2. Page 2, by striking line 28.

8 3. Page 2, line 29, by striking the words
9 "harbored and".

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5943 FILED MAY 2, 1992

w/d (p. 1765)

SENATE FILE 2097

S-5944

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 2, by striking lines 7 through 13.

5 2. Page 11, by striking lines 21 through 28.

6 3. By renumbering and correcting internal
7 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5944 FILED MAY 2, 1992

w/d (p. 1765)

SENATE FILE 2097

S-5946

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 2 the follow-
5 ing:

6 "_____. Page 1, by inserting before line 1 the
7 following:

8 "Sec. _____. Section 18.75, subsection 8, Code
9 Supplement 1991, as amended by Senate File 2351,
10 section 10, is amended to read as follows:

11 8. By November 1 of each year supply a report
12 which contains the name, gender, county or city of
13 residence when possible, official title, salary
14 received during the previous fiscal year, base salary
15 as computed on July 1 of the current fiscal year, and
16 traveling and subsistence expense of the personnel of
17 each of the departments, boards, and commissions of
18 the state government except personnel who receive an
19 annual salary of less than one thousand dollars. The
20 number of the personnel and the total amount received
21 by them shall be shown for each department in the
22 report. All employees who have drawn salaries, fees,
23 or expense allowances from more than one department or
24 subdivision shall be listed separately under the
25 proper departmental heading. On the request of the
26 superintendent, the head of each department, board, or
27 commission shall furnish the data covering that
28 agency. The report shall be distributed upon request
29 without charge to each caucus of the general assembly,
30 the legislative service bureau, the legislative fiscal
31 bureau, the chief clerk of the house of
32 representatives, and the secretary of the senate. Six
33 copies shall be distributed without charge to the
34 state library. Copies of the report shall be made
35 available to other persons in both print or electronic
36 medium upon payment of a fee, which shall not exceed
37 the cost of providing the copy of the report.
38 Sections 22.2 through 22.6 apply to the report. All
39 funds from the sale of the report shall be deposited
40 in the general fund."

41 2. Page 2, by inserting after line 6 the
42 following:

43 "_____. Page 1, by inserting after line 11 the
44 following:

45 "Sec. _____. Section 97B.25, Code 1991, as amended
46 by 1992 Iowa Acts, House File 2450, section 21, if
47 enacted by the 1992 Session of the Seventy-fourth
48 General Assembly, is amended to read as follows:

49 97B.25 APPLICATIONS FOR BENEFITS.

50 A representative designated by the administrator

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Page 2.

1 chief benefits officer and referred to in this chapter
2 as a retirement benefits specialist, shall promptly
3 examine applications for retirement benefits and on
4 the basis of facts found shall determine whether or
5 not the claim is valid and if valid, the month with
6 respect to which benefits shall commence, the monthly
7 benefit amount payable, and the maximum duration. The
8 retirement benefits specialist shall promptly notify
9 the applicant and any other interested party of the
10 decision and the reasons. Unless the applicant or
11 other interested party, within thirty calendar days
12 after the notification was mailed to the applicant's
13 or party's last known address, files an appeal as
14 provided in section 97B.20A, the decision is final and
15 benefits shall be paid or denied in accord with the
16 decision.""

17 3. Page 2, by inserting after line 13, the
18 following:

19 "____. Page 2, by inserting after line 15 the
20 following:

21 "Sec. _____. Section 125.75A, as amended by 1992
22 Iowa Acts, Senate File 2040, section 1, is amended to
23 read as follows:

24 125.75A INVOLUNTARY COMMITMENT OR TREATMENT OF
25 MINORS -- JURISDICTION.

26 The juvenile court has exclusive original
27 jurisdiction in proceedings concerning a minor for
28 whom an application for involuntary commitment or
29 treatment is filed under section 125.75. In
30 proceedings under this division concerning a minor's
31 involuntary commitment or treatment, the term terms
32 "court", "judge", or "clerk" mean the juvenile court,
33 judge, or clerk.""

34 4. Page 2, by inserting after line 13 the
35 following:

36 "____. Page 2, by inserting after line 15 the
37 following:

38 "Sec. _____. Section 135.109, if enacted in 1992
39 Iowa Acts, House file 2439, section 4, is amended to
40 read as follows:

41 135.109 LEAD ABATEMENT -- INSPECTOR AND LEAD
42 ABATEMENT CONTRACTOR TRAINING AND CERTIFICATION
43 ESTABLISHED.

44 By June 1, 1994, the department shall establish a
45 program in conjunction within with community colleges
46 and the extension service for the training and
47 certification of lead abatement inspectors and lead
48 abatement contractors. The department shall maintain
49 a listing, available to the public and to local health
50 departments, of lead inspectors and lead abatement

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Page 3

1 contractors who have successfully completed the
2 training program and who have been certified by the
3 department. The department shall adopt rules
4 regarding training and certification requirements and
5 to establish fees in amounts sufficient to defray the
6 costs of the training and certification program. The
7 rules shall also prohibit a certified lead inspector
8 from certification as a lead abatement contractor.""

9 5. Page 3, by inserting after line 12 the
10 following:

11 "____. Page 2, by inserting before line 25 the
12 following:

13 "Sec. _____. Section 232.141, subsection 8, if
14 enacted in 1992 Iowa Acts, House File 2480, section 8,
15 is amended to read as follows:

16 8. ~~If the department's reimbursement for~~ the
17 allowable costs of a child's shelter care placement
18 exceeds the amount the department is authorized to pay
19 in accordance with law and administrative rule, the
20 unpaid costs may be recovered from the child's county
21 of legal settlement. The unpaid costs are payable
22 pursuant to filing of verified claims against the
23 county of legal settlement. A detailed statement of
24 the facts upon which a ~~claims~~ claim is based shall
25 accompany the claim. Any dispute between counties
26 arising from filings of claims pursuant to this
27 subsection shall be settled in the manner provided to
28 determine legal settlement in section 230.12.""

29 6. Page 11, by inserting after line 5, the
30 following:

31 "____. Page 4, by inserting before line 6, the
32 following:

33 "Sec. _____. Section 411.6, subsection 6, paragraph
34 b, Code Supplement 1991, as amended by 1992 Iowa Acts,
35 House File 2450, section 68, if enacted by the 1992
36 Session of the Seventy-fourth General Assembly, is
37 amended to read as follows:

38 b. Upon retirement for accidental disability on or
39 after July 1, 1990, a member shall receive an
40 accidental disability retirement allowance which shall
41 consist of a pension equal to sixty percent of the
42 member's average final compensation. However, if the
43 member has had twenty-two or more years of membership
44 service, the member shall receive a disability
45 retirement allowance that is equal to the greater of
46 the retirement allowance that the member would receive
47 under subsection 2 if the ~~members~~ member were fifty-
48 five years of age or the disability retirement
49 allowance calculated under this paragraph.""

50 7. Page 11, by inserting after line 20, the

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Page 4

1 following:

2 "____. Page 7, by inserting after line 18, the

3 following:

4 "Sec. _____. 1992 Iowa Acts, Senate File 2345,
5 section 1, unnumbered paragraph 3, is amended by
6 striking the unnumbered paragraph and inserting in
7 lieu thereof the following:

8 For basic and in-service training relating to
9 public offenses perpetrated due to a victim's
10 protected class status, as provided in section 80B.11,
11 subsection 3, if and as amended by the Seventy-fourth
12 General Assembly, 1992 Session:

13 \$ 10,000

14 Sec. _____. 1992 Iowa Acts, Senate File 2345,
15 section 11, is amended to read as follows:

16 SEC. 11. There is appropriated from moneys, other
17 than federal moneys, deposited in the victim
18 compensation fund established under section 912.14 to
19 the department of justice for the fiscal year be-
20 ginning July 1, 1992, and ending June 30, 1993, the
21 following amount, or so much thereof as is necessary,
22 to be used for the purpose designated:

23 For use by the prosecuting attorneys training
24 coordinator in implementing a course of instruction
25 relating to public offenses perpetrated due to a
26 victim's protected class status, as provided in
27 section ~~80B.11, subsection 3~~ 729A.4, if and as amended
28 by the Seventy-fourth General Assembly, 1992 Session:

29 \$ 10,000

30 Sec. _____. 1992 Iowa Acts, Senate File 2345,
31 section 12, is amended to read as follows:

32 SEC. 12. The state department of transportation
33 shall place a moratorium on the placement of tourist-
34 oriented directional signs within the territorial
35 limits of the Amana colonies and the Amana colonies
36 land use district shall not initiate any action
37 regarding the removal of any existing tourist-oriented
38 directional sign until such time as a comprehensive
39 signing program has been established within the area.
40 The moratorium shall go into effect as of the
41 effective date of this Act section."

42 8. By renumbering and correcting internal
43 references as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5946 FILED MAY 2, 1992

w/d (p. 1765)

SENATE FILE 2097

S-5948

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 10, by striking lines 5 through 10 and
5 inserting the following:

6 "Sec. ____ Section 321J.4, subsection 2, Code
7 1991, is amended to read as follows:

8 2. If the court defers judgment pursuant to
9 section 907.3 for a violation of section 321J.2, the
10 court shall order the department to revoke the
11 defendant's motor vehicle license or nonresident
12 operating privilege for a period of not less than
13 thirty days nor more than ninety days if the
14 defendant's motor vehicle license or nonresident
15 operating privilege has not been revoked under section
16 321J.9 or 321J.12 or has not otherwise been revoked
17 for the occurrence from which the arrest arose. The
18 court shall immediately require the defendant to
19 surrender to it all Iowa licenses or permits held by
20 the defendant, which the court shall forward to the
21 department with a copy of the order deferring
22 judgment.""

23 2. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5948 FILED MAY 2, 1992

wld (p. 765)

SENATE FILE 2097

S-5947

1 Amend the House amendment, S-5929, to Senate File
2 2097, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. By striking page 9, line 24, through page 10,
5 line 2, and inserting the following:

6 "Sec. 3333. Section 312.2, subsection 15, Code
7 Supplement 1991, is amended to read as follows:

8 15. The treasurer of state, before making the
9 allotments provided for in this section, shall credit
10 monthly from the road use tax fund to the public
11 transit assistance fund, created under section 601J.6,
12 from revenue credited to the road use tax fund under
13 section 423.24, subsection 1, paragraph "c", an amount
14 equal to one-twentieth of eighty percent of the
15 revenue credited to from the road-use-tax-fund-under
16 operation of section ~~423.24~~-subsection-1, paragraph
17 "e" 423.7.

18 Notwithstanding the provisions of this subsection
19 directing that one-twentieth of eighty percent of the
20 revenue credited to derived from the road-use-tax-fund
21 under operation of section ~~423.24~~-subsection-1,
22 paragraph-"e" 423.7, be deposited into the public
23 transit assistance fund, for the fiscal period
24 beginning on July 1, 1991, and ending June 30, 1993,
25 such amount shall be deposited into the general fund
26 of the state. There is appropriated from the general
27 fund of the state for each fiscal year to the state
28 department of transportation the amount of revenues
29 credited to the general fund of the state during the
30 fiscal year under this subsection to be used for
31 purposes of public transit assistance under chapter
32 601J."

33 2. Page 11, by inserting after line 33 the fol-
34 lowing:

35 " ". Page 8, by inserting before line 2 the
36 following:

37 "Sec. ____ . CREDITS FROM ROAD USE TAX FUND TO
38 PUBLIC TRANSIT ASSISTANCE FUND -- EFFECTIVE DATES.

39 1. Section 3333 of this Act, which amends section
40 312.2, subsection 15, is effective only if the state
41 sales, services, and use taxes are increased from four
42 to five percent.

43 2. 1992 Iowa Acts, Senate File 2345, section 25,
44 which amends section 312.2, subsection 15, is
45 effective only if the state sales, services, and use
46 taxes remain at four percent."

47 3. By renumbering as necessary.

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-5947 FILED MAY 2, 1992

w/d (p. 1765)

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2097

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2097, a bill for an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing a retroactive applicability provision, and providing effective date and applicability provisions, respectfully make the following report:

1. That the House amendment, S-5929, to Senate File 2097, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 2, by striking lines 7 through 13.
2. Page 2, line 25, by inserting after the word "harbors" the following: "more than three breeding male or female".
3. Page 2, by striking line 28.
4. Page 2, line 29, by striking the words "harbored and".
5. By striking page 9, line 24, through page 10, line 2, and inserting the following:

"Sec. 3333. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", an amount equal to one-twentieth of eighty percent of the revenue credited to from the road-use-tax-fund-under operation of section ~~423-247-subsection-17-paragraph-"c"~~ 423.7.

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Page 2

Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue credited to derived from the road-use-tax-fund-under operation of section 423.24, subsection 1, paragraph "e" 423.7, be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J."

6. Page 10, by striking lines 5 through 10 and inserting the following:

"Sec. ____ . Section 321J.4, subsection 2, Code 1991, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment."

7. Page 11, by striking lines 21 through 28.

8. Page 11, by inserting after line 33 the following:

"____ . Page 8, by inserting before line 2 the following:

"Sec. ____ . CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND -- EFFECTIVE DATES.

1. Section 3333 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services,

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and use taxes are increased from four to five percent and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345, section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent."

9. By renumbering and correcting internal references as necessary.

ON THE PART OF THE SENATE:

RICHARD VARN, Chairperson
PAT DELUHERY
LINN FUHRMAN
JACK W. HESTER
AL STURGEON

ON THE PART OF THE HOUSE:

DANIEL JAY, Chairperson
STEVE HANSEN
DAVE HIBBARD

CCS-2097 FILED MAY 3, 1992

*Adopted (p. 1800)**Adopted (p. 2122)*

VARN, CH.
DELMERY 1-28-92
HESTER

SSB 2075
Judiciary Now
SENATE FILE 2097
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON STURGEON)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to statutory corrections which may adjust
2 language to reflect current practices, insert earlier
3 omissions, delete redundancies and inaccuracies, delete
4 temporary language, resolve inconsistencies and conflicts,
5 update ongoing provisions, or remove ambiguities.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 116.23, subsections 2, 3, and 10, Code
2 Supplement 1991, are amended to read as follows:

3 2. A written notice stating the nature of the charge or
4 charges against the accused and the time and place of the
5 hearing before the board on such the charges shall be served
6 on the accused not less than thirty days prior to the date of
7 hearing either personally or by mailing a copy by registered
8 certified mail to the last known address of the accused.

9 3. If, after having been served with the notice of
10 hearing, the accused fails to appear at the hearing and
11 defend, the board may proceed to hear evidence against the
12 accused and may enter such order as is justified by the
13 evidence, ~~which order shall be final unless the accused~~
14 ~~petitions for its review as provided in this section.~~
15 ~~However, within thirty days from the date of any order, upon a~~
16 ~~showing of good cause for failing to appear and defend, the~~
17 ~~board may reopen the proceedings and may permit the accused to~~
18 ~~submit evidence in defense.~~

19 10. ~~Anyone adversely affected by an order of the board may~~
20 ~~obtain a review of that order by filing a written petition for~~
21 ~~review with the district court within thirty days after the~~
22 ~~entry of the order. The petition shall state the grounds upon~~
23 ~~which the review is asked and shall pray that the order of the~~
24 ~~board be modified or set aside in whole or in part. A copy of~~
25 ~~the petition shall be immediately served upon any member of~~
26 ~~the board and the board shall then certify and file in the~~
27 ~~court a transcript of the record upon which the order~~
28 ~~complained of was entered. Judicial review of the board's~~
29 ~~action may be sought in accordance with chapter 17A.~~

30 ~~The case shall then be tried de novo on the record made~~
31 ~~before the board without the introduction of new or additional~~
32 ~~evidence but the parties shall be permitted to file briefs as~~
33 ~~in an ordinary case at law.~~

34 ~~The court may affirm, modify or set aside the board's order~~
35 ~~in whole or in part, or may remand the case to the board for~~

1 further-evidence,-and-may,-in-its-discretion,-stay-the-effect
2 of-the-board's-order-pending-its-determination-of-the-case-

3 The-court's-decision-shall-have-the-force-and-effect-of-a
4 decree-in-equity-

5 Sec. 2. Section 149.3, subsection 3, Code 1991, is amended
6 to read as follows:

7 3. Pass an examination in the subjects of anatomy,
8 chemistry, dermatology, diagnosis, pharmacy and materia
9 medica, pathology, physiology, histology, bacteriology,
10 neurology, practical and clinical podiatry, foot orthopedics,
11 and others, as prescribed by the board of podiatry examiners,
12 and-must-obtain-a-general-average-of-at-least-seventy-five
13 percent-and-not-less-than-seventy-percent-in-any-one-subject.

14 Sec. 3. Section 260.4, unnumbered paragraph 2, Code 1991,
15 is amended to read as follows:

16 Terms of office for regular appointments ~~begin-on-July-1-~~
17 and shall begin and end as provided in section 69.19. Terms
18 of office for members appointed to fill vacancies shall begin
19 on the date of appointment and end as provided in section
20 69.19. Members may be removed for cause by a state court with
21 competent jurisdiction after notice and opportunity for
22 hearing. The board may remove a member for three consecutive
23 absences or for cause.

24 Sec. 4. Section 260B.1, unnumbered paragraph 3, Code 1991,
25 is amended to read as follows:

26 All voting members shall be appointed by the governor,
27 subject to confirmation by the senate. Terms of office of
28 voting members are four years ~~commencing-on-July-1-~~ beginning
29 and ending as provided in section 69.19.

30 Sec. 5. Section 279.49, Code Supplement 1991, is amended
31 to read as follows:

32 279.49 CHILD DAY CARE PROGRAMS.

33 The board of directors of a school corporation may operate
34 or contract for the operation of a program to provide child
35 day care to children not enrolled in school or to students

1 enrolled in kindergarten through grade six before and after
2 school, or to both. The person employed to be responsible for
3 a program operated by a board shall be an appropriately
4 certificated teacher under chapter 260 or the program operated
5 by contract with the board shall be licensed as a child care
6 center under chapter 237A. The board shall require the
7 employment of adequate personnel for a program to meet the
8 personnel standards adopted by the state board of education,
9 pursuant to section 256.7, ~~subsections-13-and-14~~ subsection
10 13, or the department of human services, pursuant to section
11 237A.12, subsection 1.

12 The board may establish a fee for the cost of participation
13 in a ~~before-and-after-school~~ child day care program authorized
14 under this section. The fee shall be established pursuant to
15 a sliding fee schedule based upon staffing costs and other
16 expenses and a family's ability to pay. If a fee is
17 established, the parent or guardian of a child participating
18 in a program shall be responsible for payment of any agreed
19 upon fee. The board may require the parent or guardian to
20 furnish transportation of the child.

21 The board may utilize or make application for program
22 subsidies from any existing day care funding streams.

23 Programs established under this section for ~~before-and~~
24 ~~after-school~~ child day care shall include, but are not limited
25 to, parental involvement in program design and direction,
26 activities designed to further children's physical, mental,
27 and emotional development, and a parental education component
28 to educate parents about the physical, mental, and emotional
29 development of children.

30 Sec. 6. Section 504A.84, unnumbered paragraph 1, Code
31 1991, is amended to read as follows:

32 The annual report of a domestic or foreign corporation
33 shall be delivered to the secretary of state for filing in the
34 secretary of state's office between the first day of May and
35 the thirty-first day of July of each year, except that the

1 first annual report of a domestic or foreign corporation shall
2 be filed between the first day of May and the thirty-first day
3 of July of the year succeeding the calendar year in which its
4 certificate of incorporation or its certificate of authority,
5 as the case may be, was issued by the secretary of state, and
6 ~~except that if the existence of the domestic corporation or~~
7 ~~the authority of the foreign corporation to conduct affairs in~~
8 ~~this state began in April of any year, its first annual report~~
9 ~~shall be filed between the first day of May and the thirty-~~
10 ~~first day of July of the second year succeeding the calendar~~
11 ~~year in which the corporate existence or authority to conduct~~
12 ~~affairs began.~~

13 Sec. 7. Section 815.1, Code 1991, is amended to read as
14 follows:

15 815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

16 All costs and fees incurred in a parole revocation
17 proceeding or in a criminal case brought against an inmate of
18 a state institution for a crime committed while confined in
19 the institution, or for a crime committed by the inmate while
20 placed outside the walls or confines of the institution under
21 the control and direction of a warden, supervisor, officer, or
22 employee of the institution, or for a crime committed by the
23 inmate during an escape or other unauthorized departure from
24 the institution or from the control of a warden, supervisor,
25 officer, or employee of the institution, or from wherever the
26 inmate may have been placed by authorized personnel of the
27 institution, are waived if the prosecution fails, or if the
28 person liable to pay the costs and fees cannot pay the costs
29 and fees. An award of attorney fees to a court-appointed
30 attorney incurred in these cases shall be paid out of the
31 state treasury from the general fund if the prosecution fails
32 or if the person liable to pay the attorney fees cannot pay
33 them. The facts shall be certified by the clerk of the
34 district court under the clerk's seal of office to the
35 director of ~~inspections and appeals~~ the department of

1 corrections, including a statement of the amount of fees or
2 costs incurred, approved by the presiding judge in writing.
3 When a conviction is rendered and the court orders restitution
4 for costs of the prosecution, the inmate, work releasee, or
5 parolee shall make restitution to the general fund pursuant to
6 section 910.2.

7 Sec. 8. TRANSITION FOR TERMS OF BOARD OF EDUCATIONAL
8 EXAMINERS. Effective July 1, 1992, the term of each member of
9 the board of educational examiners appointed prior to that
10 date is shortened by changing the expiration date from June 30
11 to April 30 of the final year of the term.

12 Sec. 9. TRANSITION FOR TERMS OF HIGHER EDUCATION STRATEGIC
13 PLANNING COUNCIL. Effective July 1, 1992, the term of each
14 member of the higher education strategic planning council
15 appointed prior to that date is shortened by changing the
16 expiration date from June 30 to April 30 of the final year of
17 the term.

18 EXPLANATION

19 116.23(2),(3),(10): In the accountancy law, change
20 "registered mail" to "certified mail" for notice purposes and
21 change provisions relating to the judicial review process to
22 conform to chapter 17A. These changes were requested by the
23 accountancy examining board.

24 149.3(3): In chapter on the practice of podiatry, strikes
25 the requirement that applicants for a license pass the
26 examination with a 75 percent general average and no subject
27 below 70 percent. This request came from the podiatric
28 medical society, which stated that the examination is given on
29 a "pass/fail" basis.

30 260.4, unnn. para. 2, and 260B.1, unnn. para. 3: Change
31 beginning and ending dates for terms of members of the board
32 of educational examiners and the higher education strategic
33 planning council to those established by section 69.19 for
34 gubernatorial appointees subject to confirmation by the
35 senate. This establishes the terms as May through April

1 instead of July through June. Temporary transition sections
2 are provided at the end of the bill.

3 279.49: In provision relating to fees and parental
4 involvement in public school child day care programs, adds
5 language to cover all child day care programs authorized under
6 the chapter. The section as a whole refers to programs
7 providing child day care "to children not enrolled in school
8 or to students enrolled in kindergarten through grade six
9 before and after school, or to both". Also brings up to date
10 a reference to certain personnel standards adopted by the
11 board of education pursuant to section 256.7. Former
12 subsection 13 of that section has been stricken and former
13 subsection 14 renumbered as 13.

14 504A.84, unn. para. 1: In statute governing filing dates
15 for annual reports of corporations, deletes special provision
16 delaying the filing of the first report an extra 12 months
17 when the corporation's existence began in April. This change
18 was requested by the office of the secretary of state on the
19 ground that the paragraph was erroneously amended in 1988 and
20 is internally inconsistent.

21 815.1: Amends language concerning the responsibility for
22 paying the costs of parole revocation proceedings and certain
23 special criminal cases, by substituting the department of
24 corrections for the department of inspections and appeals.
25 This change was requested by the department of inspections and
26 appeals, which stated that the department of corrections
27 receives the appropriation for payment of the costs of these
28 proceedings and processes the claims.

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The department of management may impose appropriate sanctions on individual state agencies, including the state board of regents and its institutions, and upon a community college, area education agency, or school district, in order to ensure compliance with state programs emphasizing equal opportunity through affirmative action, contract compliance policies, and requirements for procurement ~~set-asides~~ goals for targeted small businesses.

Sec. 2. Section 20.17, subsection 11, Code Supplement 1991, as amended by 1992 Iowa Acts, Senate File 2216, section 1, is amended to read as follows:

11. a. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 260 and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than April 15 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than April 15. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of April 15 to ensure that the arbitrators' decision can be reasonably made before April 15.

b. If the public employer is a community college, the following apply:

(1) The negotiation of a proposed collective bargaining agreement shall be complete not later than June 1 of the year when the agreement is to become effective, absent the existence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date.

SENATE FILE 2097

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES, AND PROVIDING A RETROACTIVE APPLICABILITY PROVISION, AND PROVIDING EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 19B.8, Code 1991, is amended to read as follows:

19B.8 SANCTIONS.

The board shall adopt rules providing for a date on which impasse items in such cases must be submitted to binding arbitration and for procedures for the completion of negotiations of proposed collective bargaining agreements not later than June 1. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of June 1 to ensure that the arbitrators' decision can be reasonably made by June 1.

(2) Notwithstanding the provisions of paragraph "a" subparagraph (1), the June 1 deadline may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.

Sec. 3. Section 22.7, subsection 27, Code 1991, is amended to read as follows:

27. Applications, investigation reports, and case records of persons applying for county general relief assistance pursuant to section 252.25.

Sec. 4. Section 116.23, subsections 2, 3, and 10, Code Supplement 1991, are amended to read as follows:

2. A written notice stating the nature of the charge or charges against the accused and the time and place of the hearing before the board on such the charges shall be served on the accused not less than thirty days prior to the date of hearing either personally or by mailing a copy by registered certified mail to the last known address of the accused.

3. If, after having been served with the notice of hearing, the accused fails to appear at the hearing and defend, the board may proceed to hear evidence against the accused and may enter such order as is justified by the evidence; ~~which order shall be final unless the accused petitions for its review as provided in this section.~~ However, within thirty days from the date of any order, upon a showing of good cause for failing to appear and defend, the board may reopen the proceedings and may permit the accused to submit evidence in defense.

10. ~~Anyone adversely affected by an order of the board may obtain a review of that order by filing a written petition for review with the district court within thirty days after the entry of the order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the board be modified or set aside in whole or in part. A copy of the petition shall be immediately served upon any member of the board and the board shall then certify and file in the court a transcript of the record upon which the order complained of was entered. Judicial review of the board's action may be sought in accordance with chapter 17A.~~

~~The case shall then be tried de novo on the record made before the board without the introduction of new or additional evidence but the parties shall be permitted to file briefs as in an ordinary case at law.~~

~~The court may affirm, modify or set aside the board's order in whole or in part, or may remand the case to the board for further evidence and may in its discretion, stay the effect of the board's order pending its determination of the case.~~

~~The court's decision shall have the force and effect of a decree in equity.~~

Sec. 5. Section 149.3, subsection 3, Code 1991, is amended to read as follows:

3. Pass an examination in the subjects of anatomy, chemistry, dermatology, diagnosis, pharmacy and materia medica, pathology, physiology, histology, bacteriology, neurology, practical and clinical podiatry, foot orthopedics, and others, as prescribed by the board of podiatry examiners and must obtain a general average of at least seventy-five percent and not less than seventy percent in any one subject.

Sec. 6. Section 162.2, subsection 7, Code 1991, is amended to read as follows:

7. "Commercial breeder" means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers

to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder. However, a person who breeds or harbors more than three breeding male or female greyhounds for the purposes of using them for pari-mutuel racing shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.

Sec. 7. Section 176A.10, subsection 6, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

An extension council of an extension district may choose to be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5 for the purpose of the annual levy for the fiscal year commencing July 1, 1991, which levy is payable in the fiscal year beginning July 1, 1992. Before an extension district may be subject to the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, for fiscal years beginning on or after July 1, 1992, which levy is payable in fiscal years beginning on or after July 1, 1991, the question of whether the district shall be subject to the levy and revenue limits as specified in such subsections must be submitted to the registered voters of the district. The question shall be submitted at the time of a state general election. If the question is approved by a majority of those voting on the question the levy and revenue limits specified in paragraphs "b" of subsections 1, 2, 3, and 4 and subsection 5, shall thereafter apply to the extension district. The question need only be approved at one state general election. If a majority of those voting on the question vote against the question, the district may continue to submit the question at subsequent state general elections until approved.

Sec. 8. Section 232.162, Code 1991, is amended to read as follows:

232.162 AUTHORITY TO ENTER AGREEMENTS.

The officers and agencies of this state and its subdivisions having authority to place children ~~are hereby empowered to may~~ enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph "b" of article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or a subdivision or agency thereof of this state shall not be binding unless it has the approval in writing of the administrator of ~~family-and-children's~~ child and family services in the case of the state and the county general relief assistance director in the case of a subdivision of the state.

Sec. 9. Section 252.6, Code 1991, is amended to read as follows:

252.6 ENFORCEMENT OF LIABILITY.

Upon the failure of such relatives ~~so to relieve~~ assist or maintain a poor person who has made application for relief assistance, the county board of supervisors, county social welfare board, or state division of child and family services of the department of human services may apply to the district court of the county where such the poor person resides or may be found, for an order to compel the same assistance or maintenance.

Sec. 10. Section 252.8, Code 1991, is amended to read as follows:

252.8 SCOPE OF ORDER.

The order may be for the entire or partial support of the applicant, may be for the payment of money or the taking of the applicant to a relative's house, or may assign the applicant for a certain time to one and for another period to another, ~~as may be~~ is just and right, taking into view the

means of the several relatives liable, but no such assignment shall be made to one who is willing to pay the amount necessary for support. If the order be is for relief assistance in any other form than money, it shall state the extent and value thereof of the assistance per week, and the time such-relief assistance shall continue; or the order may make the time of continuance indefinite, and it may be varied from time to time by a new order, as circumstances may require, upon application to the court by the trustees, the poor person, or the relative affected, ten days' notice thereof being given to the party or parties concerned.

Sec. 11. Section 252.13, Code 1991, is amended to read as follows:

252.13 RECOVERY BY COUNTY.

Any county having expended any money for the relief assistance or support of a poor person, under the provisions of this chapter, may recover the same money from any of that parents-kindred-mentioned-herein, the following: from such the poor person should if the person become becomes able, or from the person's estate; from relatives by action brought within two years from the payment of such-expenses the assistance or support, from such the poor person by action brought within two years after becoming the person becomes able, and from such the person's estate by filing the claim as provided by law. There shall be allowed against the person's estate a claim of the sixth class for that portion of the liability to the county which exceeds the total amount of all claims of the first through the fifth classes, inclusive, as defined in section 633.425, which are allowed against that estate.

Sec. 12. Section 252.22, unnumbered paragraph 1, Code 1991, is amended to read as follows:

When relief assistance is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of settlement of that

fact, and, within fifteen days after receipt of the notice, the auditor shall inform the auditor of the county granting relief assistance if the claim of settlement is disputed. If it is not, the poor person, at the request of the auditor or board of supervisors of the county of settlement, may be maintained where the person then is at the expense of the county of legal settlement, and without affecting legal settlement as provided in section 252.16.

Sec. 13. Section 252.23, Code 1991, is amended to read as follows:

252.23 TRIAL.

If the alleged settlement is disputed, then, within thirty days after notice thereof as above provided in section 252.22, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county affording granting the relief assistance shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the relief assistance.

Sec. 14. Section 252.24, Code 1991, is amended to read as follows:

252.24 COUNTY OF SETTLEMENT LIABLE.

The county where the settlement is shall be liable to the county rendering-relief granting assistance for all reasonable charges and expenses incurred in the relief assistance and care of a poor person.

When relief-as-herein-provided assistance is furnished by any governmental agency of the county, township, or city, such relief the assistance shall be deemed to have been furnished by the county in which such the agency is located and the agency furnishing such-relief the assistance shall certify the correctness of the costs of such-relief the assistance to the board of supervisors of said that county and said that county shall collect from the county of such the person's settlement.

The amounts herein collected by ~~said the county where the agency is located~~ shall be paid to the agency furnishing such relief the assistance. This statute ~~as herein amended shall apply~~ applies to services and supplies furnished as provided in section 139.10.

Sec. 15. Section 252.25, Code 1991, is amended to read as follows:

252.25 COUNTY GENERAL RELIEF ASSISTANCE.

The board of supervisors of each county shall provide for the relief assistance of poor persons in its county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under ~~such those~~ programs. The county board shall establish general rules as its members deem necessary to properly discharge their responsibility under this section.

All applications, investigation reports, and case records of persons applying for county general relief assistance under this chapter are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and administration of this chapter or as authorized by order of a district court. Examination of an individual's applications, reports, and records may also be authorized by a signed release from the individual.

Sec. 16. Section 252.26, Code 1991, is amended to read as follows:

252.26 GENERAL RELIEF ASSISTANCE DIRECTOR.

The board of supervisors in each county shall appoint or designate a general relief assistance director for the county, who shall have the powers and duties conferred by this chapter. In counties of one hundred thousand or less population, the county board may designate as general relief assistance director an employee of the state department of

human services who is assigned to work in that county and is directed by the director of human services, pursuant to an agreement with the county board, to exercise the functions and duties of general relief assistance director in that county. The director shall receive as compensation an amount to be determined by the county board.

Sec. 17. Section 252.27, Code 1991, is amended to read as follows:

252.27 FORM OF RELIEF ASSISTANCE -- CONDITION.

The board of supervisors shall determine the form of the relief assistance. However, legal aid shall be only in civil matters and provided only through a legal aid program approved by the board of supervisors. The amount of assistance issued shall be determined by standards of assistance established by the board of supervisors. They may require any able-bodied person to work on public programs or projects at the prevailing local rate per hour in payment for and as a condition of granting relief assistance. The labor shall be performed under the direction of the officers having charge of ~~such the~~ public programs or projects. Subject to the ~~provisions of~~ section 142.1, relief assistance may consist of the burial of nonresident indigent transients and the payment of the reasonable cost of burial, not to exceed two hundred fifty dollars.

The board shall record its proceedings relating to the provision of relief assistance to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 to 8 except paragraphs "b" and "c" of subsection 8, and section 17A.20.

Sec. 18. Section 252.33, Code 1991, is amended to read as follows:

252.33 APPLICATION FOR RELIEF ASSISTANCE.

~~The poor~~ A person may make application for relief assistance to a member of the board of supervisors, or to the general relief assistance director of the county where they may be the person is. If application be is made to the general relief assistance director and that officer is satisfied that the applicant is in such a state of want as which requires relief assistance at the public expense, the director may afford such temporary relief assistance, subject to the approval of the board of supervisors, as the necessities of the person require and shall immediately report the case forthwith to the board of supervisors, who may continue or deny relief assistance, as they find cause.

Sec. 19. Section 252.35, Code 1991, is amended to read as follows:

252.35 PAYMENT OF CLAIMS.

All claims and bills for the care and support of the poor shall be certified to be correct by the general relief assistance director and presented to the board of supervisors, and, if the board is satisfied that the claims and bills are reasonable and proper, they shall be paid.

Sec. 20. Section 252.37, Code 1991, is amended to read as follows:

252.37 APPEAL TO SUPERVISORS.

If any a poor person, on application to the general relief assistance director, be is refused the required relief assistance, the applicant may appeal to the board of supervisors, who, upon examination into the matter, may order the director to afford relief provide assistance, or it may direct specific relief assistance.

Sec. 21. Section 252.42, Code 1991, is amended to read as follows:

252.42 CO-OPERATION ON WORK-RELIEF WORK-ASSISTANCE PROJECTS.

The county board of supervisors may join and co-operate with the United States government, or cities a city within

these the city's boundaries, or both the United States government and cities a city within these the city's boundaries, in sponsoring work projects, provided that the money used does not exceed the cost per month of supplying relief assistance to the certified persons working on projects who would be receiving direct relief assistance if they were not employed on the projects.

Sec. 22. Section 255.2, Code 1991, is amended to read as follows:

255.2 DUTY OF PUBLIC OFFICERS AND OTHERS.

~~It shall be the duty of physicians~~ Physicians, public health nurses, members of boards of supervisors, general relief assistance directors, sheriffs, police officers, and public school teachers, having knowledge of persons suffering from any such malady or deformity, to shall file or cause such a complaint to be filed.

Sec. 23. Section 255.6, Code 1991, is amended to read as follows:

255.6 INVESTIGATION AND REPORT.

When such a complaint is filed, the clerk of juvenile court shall furnish the county attorney and board of supervisors with a copy thereof and said the board shall, by the general relief assistance director or such other agent as it may select selects, make a thorough investigation of facts as to the legal residence of the patient, and the ability of the patient or others chargeable with the patient's support to pay the expense of such treatment and care; and shall file a report of such the investigation in the office of the clerk, at or before the time of hearing.

Sec. 24. Section 255.8, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The county attorney and the general relief assistance director, or other agent of the board of supervisors of the county where the hearing is held, shall appear thereat at the hearing. The complainant, the county attorney, the general

relief assistance director or other agent of the board of supervisors, and the patient, or any person representing the patient, may introduce evidence and be heard. If the court finds that ~~said~~ the patient is a legal resident of Iowa and is pregnant or is suffering from a malady or deformity which can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care, and that neither the patient nor any person legally chargeable with the patient's support is able to pay the expenses thereof, then the clerk of court, except in obstetrical cases and orthopedic cases of crippled children, shall immediately ascertain from the admitting physician at the university hospital whether such the person can be received as a patient within a period of thirty days, and if the patient can be so received, the court, or in the event of no actual contest, the clerk of the court, shall then enter an order directing that ~~said~~ the patient be sent to the university hospital for proper medical and surgical treatment and hospital care. If the court ascertain, ~~excepting~~ except in obstetrical cases and orthopedic cases, that a person of the age or sex of the patient, or afflicted by the complaint, disease, or deformity with which such the person is ~~affected~~ afflicted, cannot be received as a patient at the university hospital within the period of thirty days, then the court or the clerk shall enter an order directing the board of supervisors of the county to provide adequate treatment at county expense for the patient at home or in a hospital. Obstetrical cases and orthopedic cases may be committed to the university hospital without regard to the limiting period of thirty days.

Sec. 25. Section 260.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Terms of office for regular appointments ~~begin on July 1~~ and ~~shall begin and end as provided in section 69.19~~. Terms of office for members appointed to fill vacancies shall begin on the date of appointment and end as provided in section

69.19. Members may be removed for cause by a state court with competent jurisdiction after notice and opportunity for hearing. The board may remove a member for three consecutive absences or for cause.

Sec. 26. Section 260B.1, unnumbered paragraph 3, Code 1991, is amended to read as follows:

All voting members shall be appointed by the governor, subject to confirmation by the senate. Terms of office of voting members are four years ~~commencing on July 1~~ beginning and ending as provided in section 69.19.

Sec. 27. Section 279.49, Code Supplement 1991, is amended to read as follows:

279.49 CHILD DAY CARE PROGRAMS.

The board of directors of a school corporation may operate or contract for the operation of a program to provide child day care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. The person employed to be responsible for a program operated by a board shall be an appropriately certificated teacher under chapter 260 or the program operated by contract with the board shall be licensed as a child care center under chapter 237A. The board shall require the employment of adequate personnel for a program to meet the personnel standards adopted by the state board of education, pursuant to section 256.7, ~~subsections 13 and 14~~ subsection 13, or the department of human services, pursuant to section 237A.12, subsection 1.

The board may establish a fee for the cost of participation in a ~~before-and-after-school~~ child day care program authorized under this section. The fee shall be established pursuant to a sliding fee schedule based upon staffing costs and other expenses and a family's ability to pay. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed upon fee. The board may require the parent or guardian to furnish transportation of the child.

The board may utilize or make application for program subsidies from any existing day care funding streams.

Programs established under this section for before-and after-school child day care shall include, but are not limited to, parental involvement in program design and direction, activities designed to further children's physical, mental, and emotional development, and a parental education component to educate parents about the physical, mental, and emotional development of children.

Sec. 28. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", an amount equal to one-twentieth of eighty percent of the revenue credited to from the road-use-tax-fund under operation of section 423-247-subsection-17-paragraph-"c" 423.7.

Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue credited to derived from the road-use-tax-fund-under operation of section 423-247-subsection-17-paragraph-"c" 423.7, be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J.

Sec. 29. Section 321J.4, subsection 2, Code 1991, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, the court shall order the department to revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 or has not otherwise been revoked for the occurrence from which the arrest arose. The court shall immediately require the defendant to surrender to it all Iowa licenses or permits held by the defendant, which the court shall forward to the department with a copy of the order deferring judgment.

Sec. 30. Section 331.321, subsection 1, paragraph i, Code 1991, is amended to read as follows:

i. A general relief assistance director in accordance with section 252.26.

Sec. 31. Section 331.323, subsection 1, paragraph f, Code 1991, is amended to read as follows:

f. General relief assistance director

Sec. 32. Section 331.381, subsection 8, Code 1991, is amended to read as follows:

8. Administer general relief assistance for the poor in accordance with chapter 252.

Sec. 33. Section 331.604, Code Supplement 1991, as amended by 1992 Iowa Acts, House File 39, is amended to read as follows:

331.604 GENERAL RECORDING AND FILING FEE.

1. Except as otherwise provided by state law, subsection 2, or section 331.605, subsection-27 the recorder shall collect a fee of five dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office. If a page or fraction of a page contains more than one transaction, the recorder shall collect the fee for each transaction.

2. A county shall not be required to pay a fee to the recorder for filing or recording instruments.

Sec. 34. Section 347.16, subsection 2, Code 1991, is amended to read as follows:

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who fulfills the residency requirements under section 47.4, subsection 4, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the general relief assistance director or the office of the department of human services in that county, subject to such guidelines as the board may adopt in conformity with applicable statutes.

Sec. 35. Section 428A.1, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

When each deed, instrument, or writing by which any real property in this state is granted, assigned, transferred, or otherwise conveyed is presented for recording to the county recorder, a declaration of value signed by at least one of the sellers or one of the buyers or their agents shall be submitted to the county recorder. A declaration of value is not required for those instruments described in section 428A.2, subsections 2 to 5, 7 to 13, and 16 to ~~20~~ 21, or described in section 428A.2, subsection 6, except in the case of a federal agency or instrumentality, or if a transfer is the result of acquisition of lands, whether by contract or condemnation, for public purposes through an exercise of the power of eminent domain.

PARAGRAPH DIVIDED. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 172C.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the

seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall enter on the declaration of value the information the director of revenue and finance requires for the production of the sales/assessment ratio study and transmit one copy of each declaration of value to the director of revenue and finance, at times as directed by the director of revenue and finance. The assessor shall retain one copy of each declaration of value for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue and finance shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 172C.1.

Sec. 36. Section 453.14, unnumbered paragraph 3, Code 1991, is amended by striking the unnumbered paragraph.

Sec. 37. Section 504A.84, unnumbered paragraph 1, Code 1991, is amended to read as follows:

The annual report of a domestic or foreign corporation shall be delivered to the secretary of state for filing in the secretary of state's office between the first day of May and the thirty-first day of July of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of May and the thirty-first day of July of the year succeeding the calendar year in which its

certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state, and ~~except that if the existence of the domestic corporation or the authority of the foreign corporation to conduct affairs in this state began in April of any year, its first annual report shall be filed between the first day of May and the thirty-first day of July of the second year succeeding the calendar year in which the corporate existence or authority to conduct affairs began.~~

Sec. 38. Section 663A.9, Code 1991, is amended to read as follows:

663A.9 APPEAL.

An appeal from a final judgment entered under this chapter may be taken, perfected, and prosecuted either by the applicant or by the state in the manner and within the time after judgment as provided in the rules of appellate procedure for appeals from final judgments in criminal cases. However, if ~~the applicant~~ a party is seeking an appeal under section 663A.2, subsection 6, the appeal shall be by writ of certiorari.

Sec. 39. Section 815.1, Code 1991, is amended to read as follows:

815.1 COSTS PAYABLE BY STATE IN SPECIAL CASES.

All costs and fees incurred in a parole revocation proceeding or in a criminal case brought against an inmate of a state institution for a crime committed while confined in the institution, or for a crime committed by the inmate while placed outside the walls or confines of the institution under the control and direction of a warden, supervisor, officer, or employee of the institution, or for a crime committed by the inmate during an escape or other unauthorized departure from the institution or from the control of a warden, supervisor, officer, or employee of the institution, or from wherever the inmate may have been placed by authorized personnel of the institution, are waived if the prosecution fails, or if the

person liable to pay the costs and fees cannot pay the costs and fees. An award of attorney fees to a court-appointed attorney incurred in these cases shall be paid out of the state treasury from the general fund if the prosecution fails or if the person liable to pay the attorney fees cannot pay them. The facts shall be certified by the clerk of the district court under the clerk's seal of office to the director of ~~inspections and appeals~~ the department of corrections, including a statement of the amount of fees or costs incurred, approved by the presiding judge in writing. When a conviction is rendered and the court orders restitution for costs of the prosecution, the inmate, work releasee, or parolee shall make restitution to the general fund pursuant to section 910.2.

Sec. 40. TRANSITION FOR TERMS OF BOARD OF EDUCATIONAL EXAMINERS. Effective July 1, 1992, the term of each member of the board of educational examiners appointed prior to that date is shortened by changing the expiration date from June 30 to April 30 of the final year of the term.

Sec. 41. TRANSITION FOR TERMS OF HIGHER EDUCATION STRATEGIC PLANNING COUNCIL. Effective July 1, 1992, the term of each member of the higher education strategic planning council appointed prior to that date is shortened by changing the expiration date from June 30 to April 30 of the final year of the term.

Sec. 42. USE AND CREDITING OF BOND EARNINGS AND PROCEEDS. The authority granted in 1971 Iowa Acts, chapter 222, section 1, codified as section 453.14, Code 1973, applies to the use and crediting of earnings and investments of the proceeds from bonds issued on or after as well as prior to July 1, 1971.

Sec. 43. Sections 36 and 42 of this Act apply retroactively to July 1, 1971.

Sec. 44. EFFECTIVE DATE PROVISION. Section 7 and this section of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 45. CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND -- EFFECTIVE DATES.

1. Section 28 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes are increased from four to five percent and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345, section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2097, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 19, 1992

TERRY E. BRANSTAD
Governor

SF 2097